File No. 36 of 1941 Serial nos 1-4.

KARNATAKA GOVERNMENT SECRETARIAT

Notes|Correspondence/Collectio

Department.....Section.....

Subject :- Act to amend the Mysore Amortisation bill.

Earlier References :—

Late References :-

(Classification A|B|C)

Notes Pages.....
Correspondence Pages.....
For Note for Section Note Book
To be destroyed after.....

Under Secretary to Government,

WD 04396—GPB—1,00,000—29-10-80

otes on comparison of ... Bombay
Madras Bill, and ... discussions.

CHAPTER I.

Preliminary Sections 1 to 4

The definitions of "Irrigation w
ater course", "Drainage work" and "
are on the same lines as the definiti
the Bombay Act and Madras Bill.

Instead of the terms Irrigation
Irrigation Officer the terms used in
Bombay Act are "Canal" & "Canal ...

Both in Bombay and in Madras the
"Irrigation work" and "Canal" are ...
include "any part of a river, stream,
natural collection of water or ... drainage channel, etc."

The Madras Bill includes also "

The question may perhaps be ... in view of the definitions in the ... Bombay, whether cases of [illegible] natural streams as in Poyyapalli etc. cases of wells if any lay or ... expressly referred to.

No. "Drainage work" ... not propose to define it exhaustively uses the word "includes" while ... used here is "means".

The term "occupier" which ... in Section 1 is defined in the ... It is not defined in our Bill. It has have to be considered ... Local Government to include ...

...rogue... ...ed in ...
...nual Part I, ...mil... ...ha... ...ov...
...ith fine not exceedin... ...s. 1/-
...regular enquiry, in respect of ...i...
...o fences ...s now provided for.

CHAPTER II.

Of the control of water and of Irrigation Works.

The three sections of this Chapter Sections 5,6 and 7 are substantially reproduced from sections 8,9 and 10 of the Bombay Act.

There have been no particular criticisms thereon, and Rules may perhaps provide for all necessary safeguards for any possible abuse of the powers conferred.

PART III- Sections 8 to 21.

Water Courses.

This is a chapter designed on the same lines as Chapater III and Chapter of the Bombay Act and Madras Bill and i contains provisions as embodied in Secs 17,21 (b) and (c) and 25 of the Bombay Act and Sections 37 to 41 of Madras Bill.

The term "Occupier" used in section 10 is defined in the Madras Bill, but is not defined here.

For the determination of irrigation disputes Bombay Act has provided as a special section, viz. 26.

The only old rules re. settlement of disputes in the Revenue Manual are at page 631.

and whether it may also be included in definitions.

The term "Improvement" which occurs in Section 17 is not defined in the Act. Mr. ... ...rinivasiengar raised a doubt as to its precise meaning. It may perhaps be used as in the Tank Panchayat Regulation which may meet the points raised by Mr. ... ...r Srinivasien par// r. Below Srinivasien has wanted this term to be defined.

The word "maintenance" is defined in the Tank Panchayat Regulation. It is not defined here, but under the Chapter relating to customary labour the several items that this term comprises are enumerated in section 20 as in Madras Act. The word "Maintenance" is used in Chapter V in the heading given to the Chapter as in Madras Act, but neither in Sec. 17 nor anywhere else in that Chapter is there any provision connected with -- "maintenance of irrigation works".

The Chapter may perhaps be headed "Construction or Improvement on special terms".

The raiyats obligation to "maintain" a "Water course" is mentioned in Sec. 1 . The terms "Maintenance" or "to maintain" may if deemed necessary be defined here as in the Tank Panchayat Regulation or it may be said those expressions mean the same as in Tank Regulation.

CHAPTER IV.

Regulation of Irrigation.

Sections 12 to 16.

Sections 12 and 15 provide for certain restrictions being placed by the Deputy Commissioner and Irrigation Officer in certain cases

Sections 13, 14 and 16 are on the same lines as Sections 27,29 and 30 of the Bombay Act.

In the Taluk Panchayat Regulation specific provisions are made in section 15 on the same lines as now proposed. Section 15 cl.(3) of the Regulation provides for remission of half assessment in cases of lands not supplied with water

There were certain criticisms on the provisions of this Chapter in the ...

Mr. B.H. Chandrasekharaiya observed that a Committee should be consulted -- before section 12 is applied.

Mr. B.H. Chandrasekharaiya wanted a right of appeal on the regulation of water supply made under section 12.

Mr. Chenjalreyareddi wanted the Act itself to determine the mode of fixing the area to be cultivated.

As regards the period for appeal in section 15 Mr. Linjegowda observed that the period of 30 days was insufficient. It was promised that this may be considered in the Committee and proper changes if necessary

Section 67 Bombay Act.

In the Bombay Act the period of 30 days is not provided to run from the date of order but from the date on which the order appealed against was communicated to the appellant. Such a provision may perhaps meet the requirements of the situation. In some Regulations, instead of 30 days, a period of one month is provided.

Construction and maintenance of Irrigation works on special terms.

Sections 17 to 22.

There was a long debate on the provisions of this Chapter in the L.C. -

Mr. K.V.Srinivasiengar wanted intentions of Government to be made clear regarding procedure in respect of works taken up irrespective of consent of majority of ryots.

Mr. K.V.Srinivasiengar doubted "improvement" would apply to cases where capacity is increased so as to increase area under cultivation.

There is a definition of "Improvement" in Tank Regulation. It is as follows:-

"Improvement" means increasing the capacity of a tank so as to provide additional water for irrigation, or otherwise rendering it more useful for purposes of irrigation". This may perhaps be adopted for the Bill also with any suitable changes.

In place of 2/3 Mr. K.V.Srinivasiengar wanted 3/4. This proportion of 2/3 appears adopted from Madras Bill. The proportion that is fixed in Tank Panchayat Regulation in the case of minor tanks in section 10 is a majority of not less than 2/3 of the ryots and holding in the aggregate not less than half the occupied area of the wet

In para 379 (3) of the Revenue Manual I there is, however, a provision in a similar case which refers to execution utchalikas by holders of not less than of the occupied area.

Mr. M.S.Srinivasaiyangar observed contribution to the extent of 50% of the difference was high.

In Para 379 (5) Revenue Manual there appears to be a provision for contributions to vary from one-third to one-fifth of the difference.

Mr. D.H.Chendrasekharaiya suggested that works of utility and benefit to people should be taken up by Government whether remunerative or otherwise. It was pointed that questions relating to this point may be considered in the Select Committee.

Obtaining labour and materials in emergencies-

There are similar provisions in part VII of Bombay Act (55 to 60).

Mr. A.R.Sreenivasa Iyengar suggested that certain safeguards should be provided against power of entry etc. being used arbitrarily (list of articles, etc.,)

The Revenue Commissioner observed that these would be provided for in the rules.

Messrs.H.J.Dasappa and M.L.Chandrasekhariya strongly objected to the provisions of this Chapter.

The old rule making it obligatory on the villagers to render help in emergencies is mentioned in para 561 Revenue Manual I. According to that rule the Patel and villagers are bound to render help in emergencies. There is some difference in the wordings in the Bombay and Madras Provisions as compared with Sec. 25 of this Bill.

Section 65 in Madras Bill confines obligation to "all or any of the able bodied male persons"

The Bombay Act, Sec. 58 mentions "every able bodied person . . . . . whose name appears in the list maintained as mentioned",

In the present Bill the words are "all or any of the labourers" Labourer more defined as meaning "any person accustomed to manual labour."

provision to keep water during rainy weat
may be extended to all ryots or only to
kirgunis etc.,

Chapter VIII. Sec. 43 to

Mr.A.A.Sreenivasa Iyengar wanted 'Vo
tarily' to apply to all the clauses in
this section as proposed so as
correspond to the similar enactment in
clof the Bombay Act where 'voluntarily' a
without proper authority are applicable
all clauses 1 to 9.

Under the old rules embodied in man
rev. manual the similar would not a
empowered and punish the offenders with fi
up to Rs. 10. In some cases 'Voluntarily'
is not there considered necessary.

As to the provision in section 47, th
was much protest from Mr.A.J.Saldana. A
provision on the same lines as section
of the Bombay Bill.

The wording in the Bombay Bill is
slightly different. Under Bombay there
'after notice to occupiers of all lands
the crops on which have in his opinion
benefitted".

The underlined words are omitted in
the proposed Bill and they should be
considered whether the Bill is to
proceed.

As section 51 of Mr. A.J.B... provided
this section provided for prosecutions
two places.

The wording in section 51 of Bombay A

abolition of Panchayets where necessary. In these circumstances it may be said that the Regulation may remain unaffected by this Regulation and Rules to be framed may provide for fixing the relationship as however between irrigation officers and Tank Panchayats.

Registered No. M--1175

dency letter (para 2)
further Commy re
Sanction after
Sel: Committee
etc.

e Gazette.

AUTHORITY [No. 39.

SEPTEMBER 27, 1923.

JNT

Rules thereunder.

TION.

ed 25th September 1923.

the conduct of business of
accompanying Mysore Irri-
iformation with the state-

By Order,
C. ABDUL GHANI,
ore Legislative Council.

e Irrigation Bill.

ient to consolidate and amend
on, His Highness the Maharaja
ws :—

PTER I.

LIMINARY.

gulation may be called the Mysore
.

to the whole of Mysore.

3 of the Mysore Land Revenue Code,
8, after the words "or which has been
nsequence of the construction, im-
f any irrigational or other work by
a private person acting under the
Government," the words "and in
rate is leviable under the Mysore
" shall be added.

In Section 5 (2) of the said code, the words "or under the Mysore Irrigation Regulation" shall be inserted and to section 114 of the said code, the words "or of the Mysore Irrigation Regulation" shall be added after the figure 53;

3. In this Regulation unless there is anything repugnant in the subject or context—

(1) "Irrigation work" includes

(*a*) All reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by Government for the supply or storage of water;

(*b*) All works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels tanks, pipes or reservoirs;

(*c*) All water courses and drainage works as hereinafter enned;

(*d*) All lands occupied by the Government for the purposes of ach canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erection occupied by or belonging to the Government upon such lands.

(2) "Water Course" means any channel or pipe which is supplied with water from an irrigation work but which is not maintained at the cost of Government and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe.

(3) "Drainage work" includes channels either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels and escape channels from an irrigation work dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part, but does not include work for the removal of sewage.

(4) "Deputy Commissioner" includes any Officer appointed by Government to exercise all or any of the powers of Deputy Commissioner under this Regulation.

(5) "Irrigation Officer" includes any person appointed by Government to exercise all or any of the functions of an Irrigation Officer under this Regulation.

(6) "Owner." includes every person having a joint interest in the ownership of the thing specified and all rights and obligations which attach to an owner under the provisions of this Regulation and shall attach jointly and severally to every person having such joint interest in the ownership.

4. Government, or subject to such rules as may be made under this Regulation, any Officer whom Government empowers in this behalf, may declare by notification the officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed

(*a*) The right to all water flowing or standing which is not the property of private individuals, the burden of proving which will be on them, shall vest in Government; and no person shall make use of such water for irrigation or other purposes by damming up or otherwise

interfering with any stream or nala or natural water-course whether it is defined in the village map or not, except with the permission of the Deputy Commissioner or an irrigation or other officer specially authorised by Government in this behalf.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

5. Any Irrigation Officer duly empowered in this behalf and any person acting under general or special order of such irrigation officer may enter upon any land, building or water-course for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby and of doing all things necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

6. In case of any accident happing or being apprehended to any irrigation or drainage work, or in case of any urgency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work and may repair any existing work, construct any new work or take and utilise any material and take any measures or do anything that may in his opinion be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer proposes under the provision of the two last preceding sections to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may allow.

8. Suitable means of crossing the irrigation work shall be provided at such places as Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent land and suitable bridges, culverts, or other works shall be constructed to prevent the drainage of the adjacent land being obstructed by any irrigation work.

~~(*Sections 5, 6, 7 and 8 to apply to both old and new works.*)~~

CHAPTER III.

OF WATER COURSES

9. Any person desiring the construction of a water-course may apply in writing to the Irrigation Officer requesting him to construct the water-course, and to do all things necessary for such construction at the cost of the applicant.

10. If the Irrigation Officer considers that the construction of such water-course is expedient, he may call upon the applicant to make such deposit as he considers necessary to cover the cost of the preliminary proceedings and the amount of the compensation likely to become payable and also to give an undertaking that he will pay the full cost of the acquisition and either construct the water-course himself or pay up before-hand the estimated

cost of its construction by Government and failing which the deposit shall be liable to be forfeited at the discretion of the Deputy Commissioner. Upon such deposit being made, the Irrigation Officer shall cause enquiry to be made into the most suitable alignment for the said water-course and shall cause to be marked out the land which, in his opinion, it will be necessary to occupy for the construction thereof and shall forthwith publish a notice in every village through which the water-course is proposed to be taken that so much of such land as belongs to such village has been so marked out, and shall send a copy of such notice to the Deputy Commissioner of every District in which such land is situate for publication on such land.

The said notice shall also call upon any person who wishes to receive a supply of water through such water-course to make his application in that respect to the Irrigation Officer within thirty days of the publication of such notice. If any such applicant appears and his application is admitted, he shall be liable to pay his share in the construction of such water-course, and in the cost of acquiring the land for the same.

10 11. Within thirty days from the publication of a notice under Section 10, clause (1), any person likely to be affected by the construction of the proposed water-course or interested in the land to be occupied by such water-course, may apply to the Deputy Commissioner of the District by petition stating his objection to the proposed construction. The Deputy Commissioner or other Officer authorised by him, not lower in rank than an Amildar or Deputy Amildar, shall enquire into the validity of the objection after giving previous notice to the Irrigation Officer of the time and place at which such enquiry will be held.

Where the proposed water-course will pass through more Districts than one, the Deputy Commissioner of the District in which the head of the proposed water-course will be situated shall be the Deputy Commissioner of the District, for the purposes of this section. The Deputy Commissioner shall record in writing the orders passed by him on the result of the enquiry by himself or other officer authorised by him as above and the grounds thereof.

11 12. If no objection is made or the objection, if any, is disallowed, the Deputy Commissioner of the District shall inform the Irrigation Officer of the same and proceed to acquire the land required for the water-course under the provisions of the Land Acquisition Regulation either by himself or through an Assistant Commissioner specially deputed by him for the purpose as if a declaration had been issued by the Government for the acquisition thereof under Section 6 of that Regulation and as if the Government had thereupon directed the Deputy Commissioner to take order for the acquisition of such land under Section 7 of the said Regulation.

If the Deputy Commissioner considers any objection to be valid, he shall inform the Irrigation Officer accordingly; and the latter may, if he sees fit, alter the alignment of the proposed water-course and the Deputy Commissioner shall, after notice to the persons likely to be affected by the alteration, decide whether or not such water-course shall be constructed.

12 ~~13.~~ Where the lands to be acquired are situate i different Districts, the acquisition shall be made by th Deputy Commissioners of the several Districts in whic the lands may lie or by the Assistant Commissioners spec ally deputed by them for the purpose.

13 ~~14.~~ When the land has been acquired, the Irrigatio Officer shall either permit the applicant to construct th said water-course, or shall himself construct it. Provide that in either case the work shall not be commenced unt the applicant or other person concerned has paid the fu cost of the acquisition and also given an undertaking t the satisfaction of the Deputy Commissioner to pay an additional amount that may become payable on reference t the Civil Court and provided further that when the wate course is to be constructed by the Irrigation Officer th estimated cost of the construction shall also be paid b the parties concerned before the work is started and a undertaking given to meet any excess of expenditure tha may be actually incurred over the construction within period of six months of the service of notice on him i this respect.

If any compensation or expenses due under this sec ion shall not be paid, in accordance with any demand, i shall be recoverable as an arrear of land revenue.

14 ~~15.~~ When any applicant is, under the last preceding section, permitted to construct a water-course, the follow ng rules and conditions shall be binding on him and hi representatives in interest :—

First.—All works necessary for the passage, acros such water-course, of water-courses existing previous t ts construction and of the drainage intercepted by it, an or affording proper communications across it for th convenience of the occupants of neighbouring lands, shal be constructed by the applicant and be maintained by hin to the satisfaction of the Irrigation Officer.

Second.—Land acquired for the purpose of construc ing a water-course under the provisions of Section 1. shall be used only for such purpose.

Third.—The proposed water-course shall be complete to the satisfaction of the Irrigation Officer within one yea after the applicant has been given permission to construc it. Provided that the Irrigation Officer may, in his dis cretion, extend this period.

If any of the rules and conditions prescribed by this section are not complied with, the right of the applicant, or of his representative in interest, to receive a supply of water through such water-course may be put an end to by the Deputy Commissioner and in that case the applicant shall have no claim on the land acquired for the water-course which will be entirely at the disposal of the Deputy Commissioner who may either restore it to the original occupant or dispose of it in any other manner he considers proper.

15 ~~16.~~ The procedure provided in Sections 9 to 15 shall apply to any application for the extension, improvement or alteration of a water-course.

16 ~~17.~~ The procedure prescribed in Section 12 shall be adopted as far as may be for the acquisition of the lands equired for the purpose where the construction of a water

course is undertaken at Government cost in the interest of the expansion of irrigation

17 ~~18~~. Any person desiring to receive a supply of water through an existing water-course may apply to the Irrigation Officer for a supply through such water-course If it appears to the Irrigation Officer expedient that such supply should be given and that it should be conveyed through such water-course, he shall serve notice on the owners or occupiers of the land supplied with water from such water-course requiring them to show cause, on a day not less than 15 days from the service of such notice, why the said supply should not be so conveyed, and after making enquiry, the Irrigation Officer shall make an order determining whether, and on what conditions, the said supply shall be conveyed through such water-course, and such order shall be binding on applicant and on such owners or occupiers.

An appeal shall lie from any order made by the Irrigation Officer under this section to the Deputy Commissioner of the District whose decision shall be final.

The applicant shall not be entitled to a supply of water by reason of any order made under this section, until he has complied with the conditions imposed by the Irrigation Officer and until he has paid the expense of any alteration of such water-course necessary in order to his being supplied through it

Such applicant shall also be liable for his share of the cost of the maintenance of such water-course so long as he uses it.

18 ~~19~~. No water-course constructed, extended or improved under the provisions of Sections 15, 16 and 18 may be altered without the consent of the Irrigation Officer.

19 ~~20~~. Every owner or occupier of land which receives a supply of water from a water-course shall be bound—

(*a*) to maintain such water-course in a fit state of repair;

(*b*) to allow the use of it to any person entitled by reason of an order passed under Section 18.

20 ~~21~~. If any owner or occupier of land which receives a supply of water from a water-course fails to fulfil any obligation imposed on him by Section 20, any Irrigation Officer duly empowered in this behalf may require him by notice to execute the necessary work or repair within a period to be prescribed in such notice of not less than 15 days and in the case of failure, may execute the same on his behalf, and all expenses incurred in the execution of such work or repair shall

arrear of land revenue.

the supply of water for irrigation, the supply may be granted for such period and on such terms as may be prescribed by rules framed in this behalf by Government.

If the application be for a supply of water to be used for purposes other than those of irrigation, the irrigation officer may, with the sanction of Government, give permission for water to be taken for such purposes under such special conditions and restrictions as to limitation, control and measurement of the supply as he shall be empowered by Government to impose in each case.

22 ~~23.~~ All rights to the supply from an irrigation work of water to any land, building or other immovable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land building or other immovable property takes place.

CHAPTER V.

WATER RATES SUPPLY RATES.

23 ~~24.~~ Such rates shall be leviable for water from irrigation works supplied for purposes of irrigation, or for any other purpose, as shall, from time to time, be determined by the Government.

If, owing to the construction of a new irrigation work or to the improvement or extension of an existing irrigation work, the amount or duration of any water-supply in respect of which either no revenue or a fixed amount of revenue has hitherto been paid to Government, is increased, rates shall be leviable under this section in respect of the increased water-supply only; provided that in respect of lands on which assessment at wet or garden rates is being already recovered, notice shall be given to the occupants of such lands and their objections, if any, shall be heard before any additional rates are levied on such lands.

OCCASIONAL RATES.

24 ~~25.~~ If water supplied through a water-course be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred cannot be identified, the person or all the persons on whose land such water has flowed, if such land has derived benefit therefrom, shall be liable, or jointly liable as the case may be, for the charges which shall be made for such use under the rules prescribed by the Government under Section 60.

25 ~~26.~~ All questions arising under the preceding section, shall, subject to the provisions of Section 57, be decided by an Irrigation Officer duly empowered in this behalf.

26 ~~27.~~ All charges for the unauthorised use, may be recovered, as water rates, in addition to any penalties incurred on account of such use or waste.

PERCOLATION AND LEAKAGE RATES.

27 ~~28.~~ If it shall appear to an Irrigation Officer duly empowered to enforce the provisions of this section that any cultivated land within 200 yards of any irrigation work receives by percolation or leakage from such a work an advantage equivalent to that which would be given by a direct supply of water from an irrigation work for irrigation, or that any cultivated land, wherever situate, derived by surface flow, or by means of a well sunk within 200

yards of any irrigation work, after the admission of wa into such irrigation work, a supply of water which h percolated or leaked from such irrigation work, he m charge on such land a water-rate not exceeding that whi would ordinarily have been charged for a similar dire supply to land, similarly cultivated; for the purposes this Regulation, land charged under this section shall deemed to be land irrigated from an irrigation work.

RECOVERY OF WATER-RATES AND OTHER DUES ARREARS

Every water-rate leviable under this Regu shall be payable on such dates to such officers as sh from time to time be determined under the orders of t Government

Any such rate, or instalment of the same which is n paid on the day it becomes due, and any sum due to Go ernment or to any Irrigation Officer, whether on behalf Government or of any other person under Chapter I which is not paid when demanded, shall be recoverab according to the law and under the rules for the time b ing in force for the recovery of arrears of land revenue

CHAPTER VI

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATIO WORKS ON SPECIAL TERMS.

Whenever it appears to the Government th the construction, improvement or maintenance of an ir gation work in any local area is not likely to be remuner tive unless on the lands irrigable by such work payment water cess at a certain specified rate is guaranteed, t Government may direct the Deputy Commissioner or ar other person to make enquiry whether it is desirable undertake the construction, improvement or maintenan of the work.

31. The Deputy Commissioner or other person ap pointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction, improvement or mainten ance, an estimate of the capital or recurring ex penditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rate at which it is proposed to levy water cess in res pect of the land within the benefited area, and shall invite the holders of such lands to submit any objections or sug gestions that they may desire to make on or before a date prescribed in the notice and to produce evidence if any in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Every holder of land within the benefited area who fails, within the period allowed by the notice, to sub mit any objection or suggestion in the manner prescribed shall be deemed to have given his consent to the proposed scheme.

32 33. If the Deputy Commissioner or other person appointed to make the enquiry after considering any objec

tions or suggestions duly submitted and evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area consent to such construction, improvement or maintenance and to the payment of the proposed water cess he shall embody his proceedings in a report to be submitted to the Government and shall also forward a statement of objections and suggestions presented to him with any remarks that he may desire to make in respect of them.

33 34. Upon receipt of the report referred to in the previous section, the Government may, after such further enquiry, if any, as may appear to them necessary either abandon the scheme or proceed with it in its original form or with such modifications as they may consider necessary, provided that where the modifications involve a substantial increase in the benefited area or in the water cess to be imposed, the provisions of Sections 30 to 32 shall apply to the altered scheme.

34 35. (i) The scheme as finally approved by the Government shall be published in the *Mysore Gazette* and it shall embody the following particulars :—

(*a*) a specification of the work which it is proposed to construct, improve or maintain and an estimate of the capital or recurring expenditure involved thereby ;

(*b*) the estimated time required for the cemlpotion of the work

(*c*) a description of the benefited area ;

(*d*) the rate at which water cess will be imposed on the land in the benefited area, such rate being liable to periodical revision at intervals of not less than ten years each ; and

(*e*) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(ii) The publication under sub-section (1) of a scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained and that the scheme will benefit the area specified therein.

35 36. The Government may from time to time modify any approved scheme notified under section 31 or substitute another scheme in its stead and the provisions of this Regulation applicable to a scheme notified under section 31 shall thereafter be applicable to any scheme so modified or substituted.

Provided that any consent, publication or other thing required by this Regulation in respect of a scheme shall be necessary also in respect of a new scheme for an existing one.

36 37. After the scheme has been carried out the Deputy Commissioner, may, subject to such rules as may be prescribed by the Government, levy from the holders of land within the benefited area, water cess at the rate prescribed in section 30.

Provided that the Deputy Commissioner may exempt from charge any land in the benefited area on the ground that it is unable to derive any benefit from the irrigation work.

CHAPTER VII.

ON OBTAINING LABOUR AND MATERIALS ON EMERGENCIES.

37 38. (1) Whenever it appears to an Irrigation Officer or in his absence the Amildar of the Taluk that unless

some work or repair is immediately executed such serious damage will happen to any irrigation or drainage work as to cause sudden and extensive public injury

or that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance or work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the able-bodied male persons who reside or hold land in the vicinity of the locality where such repair, clearance or work has to be executed to assist in the execution of such repair, clearance or work by labouring thereat as such Officer or any person authorised by him in this behalf may direct.

(2) Such Officer or any person authorised by him in this behalf may also enter into and upon any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees or bamboos whether standing or not and any timber, mats, ropes, straw, earth, stones or other materials found in or upon such property and use the same for the purposes of such repair, clearance or work.

CHAPTER VIII.

OF CUSTOMARY LABOUR.

The provisions of this Chapter apply to following irrigation and drainage works:—

(*a*) All river and spring channels;
(*b*) All tanks;
(*c*) All supply and escape channels connected with tanks; and
(*d*) Any other Irrigation or drainage work in respect of which the Government may by notification declare that it is customary to perform unpaid labour.

(2) It shall be lawful for the Government by an order to declare, in respect of all or any of the aforesaid works in any locality, that the customary labour referred to in Section 42 need not be performed either wholly or in part. Such order may at any time be cancelled or modified by the Government.

42 ~~43.~~ Every occupier of land irrigated or drained by any irrigation or drainage work as well as inhabitants of the village or villages and all others who derive any benefit, directly or indirectly, from the work shall perform in respect of such work without payment the following customary labour:—

(*a*) Filling up gullies, cracks, ruts and holes;
(*b*) Removing prickly-pear, wild croten, bushes and other rank growth or pernicious weed;
(*c*) Clearing away such underwood as may be considered by the irrigation officer to be injurious;
(*d*) Clearing sand or silt from sluices and channels;
(*e*) Maintaining the bund to the standard level and with the slopes specified;
(*f*) Keeping in order the supply channels of tanks;
(*g*) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally performing minor duties of this nature in order to prevent breaches and other accidents;
(*h*) Any other work which the Government may by notification declare to be customary labour in respect of any specified locality.

Explanation.—All land forming part of the registered or recognized Achkat of an irrigation work shall be deemed to be land irrigated by such work within the meaning of this section.

~~44.~~ It shall be the duty of the Patel of every village to see that the customary labour in respect of any irrigation or drainage work situated in the village or villages in his charge is duly performed, and he will be held primarily responsible for keeping the work in an efficient condition.

44 ~~45.~~ If such work is neglected, the Patel shall report the matter to the irrigation officer who shall call upon the Patel or Patels of the Village or Villages in which the persons bound to do the work ordinarily reside or the land occupied by them is situate to require such persons by beat of tom tom to carry out the work by a certain date. If the requisition be not complied with the Irrigation Officer may cause the work to be done by hired labour.

5 ~~46.~~ If during the execution of customary labour any person who is bound to contribute labour towards such work neglects or refuses to do so, the Patel may employ hired labourers for the performance of the labour which such person is bound to contribute.

46 ~~47.~~ The labour which each occupier of land is bound to contribute towards the performance of customary labour

and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village shall be determined in accordance with rules framed by the Government.

Whenever any person who is bound to contribute labour towards the performance of customary labour neglects or refuses without sufficient and reasonable cause so to contribute, the Irrigation Officer may levy from such person a sum not exceeding 4 times the value of the labour which such person is bound to contribute

Against the order of the Irrigation Officer an appeal shall lie, within 30 days of the date of the order, to the Deputy Commissioner, whose decision shall be final.

No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with in this chapter.

lawful use of such water-course by any person authorised to use the same under section

shall be deemed to commit an offence under this Regulation, and shall on conviction before a Magistrate, be punishable for each such offence with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month, or with both, provided that where the person has been convicted for mischief under the Indian Penal Code in respect of the same act, he will not be liable to conviction again under this Regulation.

~~51.~~ Any person in charge of or employed upon any irrigation work may remove from the lands or building belonging thereto any person who within his view:—

(i) Wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from any irrigation work or in any river or stream so as to endanger, damage, make dangerous or render less useful any irrigation work,

and may, if the name and address of the person be unknown or if he refuses to give his name or address or gives a name or address which he has reason to believe to be false, arrest him without a warrant and take him forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law.

~~52.~~ If any damage, alteration, enlargement or obstruction to any irrigation or drainage work is caused without due authority, and if the person causing such damage, alteration, enlargement or obstruction cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after notice to the parties concerned, and hearing all representations to the contrary, or after expiry of such time for the submission of representations as he may deem sufficient, recover from the occupiers of all lands which have in his opinion benefited by such damage, alteration, enlargement or obstruction, the cost of repairing such damage or of removing such alteration, enlargement or obstruction; but the amount to be so recovered from any person shall not exceed the value of the benefit derived by him.

Any sum recoverable under this section may be recovered as an arrear of land revenue.

~~53.~~ Whenever any Magistrate imposes a fine upon any person for an offence under this Regulation, he may direct that the whole or any part of such fine may be paid by way of compensation to the person injured by such offence.

~~54.~~ When any person is convicted of an offence under section ~~50~~ or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that he shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water guage or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any irrigation officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner.

~~55.~~ Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation. Provided that no person shall be punished twice in respect of one and the same act or omission.

~~56.~~ Whenever any person is fined for an offence under this Regulation the Court which imposes such fine, or which confirms in appeal or revision a sentence of which such fine forms part, may direct that the whole or any part of such fine may be paid by way of award to any person who gave information leading to the detection of such offence or to the conviction of the offender.

If the fine be awarded by a Court whose decision is subject to appeal or revision, the amount awarded shall not be paid until the period prescribed for presentation of the appeal has elapsed or, if an appeal be presented, till after the decision of the appeal.

CHAPTER X.

MISCELLANEOUS.

Every order passed by an Irrigation Officer under Sections, ~~10, 14~~ and ~~22~~ shall be appealable to the Deputy Commissioner. Provided that the appeal be presented within one month from the date on which the order appealed against was communicated to the appellant.

All orders and proceedings of a Deputy Commissioner under this Regulation shall be subject to the supervision and control of Government.

~~58.~~ Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

~~59.~~ Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person therein named. When such person cannot be found, the service may be made on any adult male member of his family residing with him, and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and, if such person has no ordinary place of residence within the district, service of any notice may be made by sending copy of such notice by post in a registered cover addressed to such person at his usual place of residence.

Government may, from time to time, make rules not inconsistent with this Regulation to regulate the following matters:—

(*a*) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter;

(*b*) the cases in which, the officers to whom and the conditions subject to which order and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable;

(c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done;

(d) the amount of any charge to be made under this Regulation;

(e) the manner of framing and revising record of rights and generally to carry out the provisions of this Regulation;

Government may, from time to time, alter or cancel any rules so made;

Such rules, alterations and cancellations shall be published in the official Gazette and shall thereupon have the force of law.

~~61.~~ Nothing in this Regulation shall, saving of Municipal Water Works, be deemed to apply to any canal, channel, reservoir, lake or other collection of water vesting in any Municipality.

Statement of objects and reasons.

The construction of large irrigation works like the Vanivilasa Sagara and Krishna Sagara Reservoirs has rendered legislative enactment necessary for the efficient management of these works. Economy in the use and distribution of water in the case of works on which Government have spent many lakhs of rupees is found absolutely necessary both in the interests of the cultivators and of the Government. In the interests of the cultivating community at large, certain provisions in regard to the regulation and distribution of water supply, prevention of wastage, use of water for purposes other than cultivation, etc., are found necessary. Under the existing rules, the rights and liabilities of owners of water courses are not clearly defined and there are no facilities for the rapid construction of water courses. The channel offence rules issued more than 45 years ago have been found in practice unsuitable and unworkable and the existing criminal law does not sufficiently meet all cases. Damage to works in which large sums of money have been spent could not be punished under the ordinary law and special provisions are found absolutely necessary. Hence the bill based on the Bombay Irrigation Act is introduced with modifications to suit local conditions.

The Bill declares the right of Government to all water flowing or standing which is not the property of private individuals. Chapters I, II, IV, V, IX and X of the Bill are framed on the model of the Bombay Irrigation Act 1879.

Chapter III treats of water courses. Clauses ~~10~~ to ~~17~~ prescribe the procedure to be followed in the construction of water courses on the application made to an Irrigation Officer for such purposes, while clause ~~18~~ authorises the Irrigation Officer to construct water courses on his own initiative. Chapter IV treats of supply of water. Chapter V deals with water rates. The provisions of this chapter are practically those contained in section 53 of the Land Revenue Code in an enlarged form. Clause ~~25~~ empowers Government to levy occasional water rates for the unauthorised use of water from the persons or all the persons on whose lands such water has flowed and benefited the lands, if the person by whose act or neglect such use has occurred, could not be identified. Clause ~~29~~

authorises arrears of water rates to be recovered as arrears of land revenue. Chapter 7 deals with compulsory labour on emergencies.

Chapter 8 deals with customary labour that may be required to be performed by the occupiers of lands irrigated by an irrigation or drainage work. It is based on Chapter 10 of the Madras Irrigation Bill and incorporates the Mysore Tank Maintenance Rules of 1873. It will be enforced in respect of unrestored, as well as, restored tanks.

Chapter 9 deals with penalties. Clause 5 empowers the Court which imposes a fine for an offence under this Regulation to pay any part of the fine so levied as an award to the informant.

Chapter 10 deals with miscellaneous matters. Clause 57 deals with appeals, 58 and 59 with power to summon witnesses and service of notices and 60 power of Government to frame rules.

N.B. Portions deleted by the S.C are enclosed in square brackets and the additions are embodied.

NOTIFICATION.

No. 4762—L. C., dated 16th May 1930.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Irrigation Bill is published for general information with the statement of objects and reasons.

By Order,
P. MAHADEVAYYA,
Ex-officio *Secretary*,
Legislative Council.

The Mysore Irrigation Bill.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation Offences and such other matters pertaining to irrigation as are not adequately provided for in the existing Regulations and Rules having the force of law; It is hereby enacted as follows:— Preamble.

for irrigation

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation, 19 . Short Title.

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof to any local area or to any class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of works from the operation of the Regulation. from such date as may be specified therein; Extent and commencement.

Provided that all existing Regulations, Rules, Orders or usages having the force of law, in so far as they are

Cap

inconsistent with any of the provisions [illegible]
and the Rules made thereunder in the areas and with respect to the classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent;

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said Regulations, Rules, Orders or usage having the force of law.

3. In this Regulation, unless there is anything repugnant in the subject or context:—

(1) "Irrigation work" includes—

(*a*) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water for purposes of irrigation;

(*b*) all works, embankments, structures, supply and escape channels connected with such reservoirs, tanks, canals, channels or pipes and all roods constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs;

(*c*) All water courses and drainage works as hereinafter defined;

(*d*) All lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government upon such lands;

(2) "New Irrigation Work" means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force;

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe:

(4) "Drainage work" means channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion

what is date of construction or completion
when is it to be completed

and includes extensions of irrigation works made
after this Regulation comes into force.

includes

'Occupier' means in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour and includes a tenant.

formed or maintained by the Government either wholly or in part:

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation: 'Deputy Commissioner.'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation: 'Irrigation Officer.'

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified. 'Owner.'

(8) "Labourer" means any person accustomed to manual labour; 'Labourer.'

(9) "Magistriate" means a Magistriate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation. 'Magistrate.'

4. The Government or, subject to such rules as may be made under this Regulation, any Officer whom the Government empowers in this behalf, may declare by Notification in the *Official Gazette*, the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed, shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

Power to enter upon land for purposes of inspection, etc.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the puspose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

Powers fo repairing preventir damage t irrigatior drainage w

6. On any damage happening or being apprehended to any irrigation or drainage work, or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the

neighbourhood of any irrigation or any drainage work, and may repair any existing work, construct any new work, or take and utilise any material, and take any measure or do anything that may, in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow.

CHAPTER III.

Of Water courses.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case, or may reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purposes of sub-section (1) of this section, the Deputy Commissioner of the District may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

Explanation:—For the purposes of this sub-section, the construction, extension, improvement or alteration of a water course, though executed solely at the expense of a

such notice shall be in writing except in a case of emergency.

may

— if the applicant so desires

— mode of execution and time of completion

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the service of the said order to the Deputy Commissioner of the District and as against his decision, a second appeal shall lie within 90 days from the date of the service of this order to the Revenue Commissioner whose decision thereon shall be final.

'Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water-course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share.

Any person interested in the matter of such dispute may apply, in writing to an Irrigation Officer duly empowered to receive such applications, stating the matter is in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon.

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set-aside by a decree of a Civil Court."

private person, shall be deemed to be a public purpose under sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894.

No alteration of water course except with consent of Irrigation Officer.

9. No water course constructed, extended or improved under the provisions of section 8 may be altered without the consent of the Irrigation Officer.

Obligations of owners of land receiving supply from water course.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound:—

(*a*) to maintain such water course in a fit state of repair; and

(*b*) to allow the use of it to any person entitled to the same by reason of an order passed under section 8 or otherwise.

Enforcement of said obligations.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by section 10, any Irrigation Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

(2) The expenses incurred by the Irrigation Officer any work or repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

CHAPTER IV.

Regulation of Irrigatic

Regulation of water-supply from irrigation works.

12. The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,

(1) the time for letting out water for irrigation,
(2) the period of the supply, and
(3) the quantity of the supply,

after holding such enquiry as is provided for by rules framed by the Government and such regulation shall be final.

Supply of water from a new irrigation work.

13. Every person desiring the supply of water from a new irrigation work, shall submit a written application to that effect to an Irrigation Officer appointed to receive

such applications, in such form as may be prescribed l the Government.

If the supply of water is desired for irrigation, it m be granted for such period and on such terms as may prescribed by rules framed by the Government

If the application is for the supply of water for pu poses other than those of irrigation, the Irrigation Offic may, with the sanction of the Government, permit wat to be taken for such purposes subject to such special co ditions and restrictions as the Government may impc in each case.

14. The supply of water to any water course or any person who is entitled to such supply shall not stopped except in the circumstances and subject to t limitations specified below, namely,

(*a*) whenever and so long as it is necessary to st such supply—

(i) for the purpose of executing any work orde by competent authority; or

(ii) in order to supply in rotation the legitim demand of other persons entitled to water;

(*b*) whenever and so long as any water course which such supply is received is not maintained in su repair as to prevent the wasteful escape of water the from; [and]

[(*c*)] within the periods fixed from time to time an Irrigation Officer acting under section 15, of wh reasonable notice shall be given.

15. [An Irrigation Officer may, in any year hav regard to the quantity of water available in any irrigat work under his control, determine the portion out of al any of the wet lands in the irrigable area of such irri tion work, to be cultivated with irrigated crops and re late the supply of water accordingly; and if any l assessed as wet is not supplied with water for irrigati he may remit such portion, not exceeding one-half of assessment thereon as he thinks fit, subject to such r regarding the remission of assessment as may be made the Government and are for the time being in force.

" Provided that the rates leviable for the supply of water for irrigation from new irrigation works constructed at an outlay of less than one lakh of rupees and not falling under Chapter V of this Regulation shall be fixed in conformity with the provisions of the Land Revenue Code and the Rules thereunder."

whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water; and "

(1) " An Irrigation Officer specially empowered by Government, in this behalf, may, in any year, having regard to the quantity of water available in any irrigation work under his control determine the portion of the wet lands in the irrigable area of such irrigation work to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly.

(2) If, in accordance with a decision of the Irrigation Officer under sub-section (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of one-half of the assessment of such land.

Against the order of the Irrigation Officer under this section, an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District, and as against his decision, a second appeal shall lie within ninety days from the date of the service of this order, to the Revenue Commissioner whose decision shall be final."

except when such right is transferred with the land, building or other immovable property having such right."

" Whenever it appears to the Government that the construction or improvement of an Irrigation Work in any local area *cannot be undertaken* unless, on the lands Irrigable by such work, payment of *a specified* acreage contribution or water rate or both, is guaranteed, the Government *shall* direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

" The Government may by notification in the *Official Gazette* declare that the provisions of this Section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works."

Explanation.—" Improvement in this Chapter means only such improvement of an irrigation work as will enhance the supply of water available therein for

16. (1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

Right to the supply of water passes with the property entitled to the supply.

(2) No person entitled to the use of land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, in accordance with such rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

Preliminary enquiry to be held when the levy of acreage contribution of water-rate or both is necessary for undertaking construction or improvement of an irrigation work.

18. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution of water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestion that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Procedure in holding the enquiry.

Report of the enquiring officer.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water rate or both, he shall embody his proceedings in a report and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them

Government may abandon or proceed with the scheme.

20. Upon receipt of the report submitted under section 19, the Government may, after such further enquiry, if any, as it may make, either abandon the scheme or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections 18 and 19 shall apply to the altered scheme.

Publication of the scheme as finally approved by the Government.

21. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars:—

(*a*) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(*b*) the estimated time required for the completion of the work;

(*c*) a description of the benefited area;

(*d*) the rates at which contribution will be recovered in respect of the lands in the benefited area;

(*e*) the rates at which water-rate will be imposed on the lands in the benefited area, and

(*f*) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

2. The contribution referred to in Clause (*d*) of sub-section (1) shall in no case exceed one-half of the difference between the value of the wet and dry lands in the locality.

3. The water-rate referred to in clause (*e*) of sub-section (1) shall be liable to periodical revision at intervals of not less than ten years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive

" The water rate referred to in clause (*e*) of sub-section (1) shall be liable to revision after the expiry of a period of ten years and thereafter at intervals of not less than fifteen years."

such contributions of water rate shall
be recoverable as land revenue.

proof that any consent recorded therein has been duly obtained.

Levy of contribution and water-rate on lands within the benefited area.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1881, contribution or water-rate or both at the rates referred to in section 21.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VI.

OF OBTAINING LABOUR [AND MATERIALS] IN EMERGENCIES.

Impressment of labour and materials for urgent works of repair, etc.

23. (*i*) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the Taluk, that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury,

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance connot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the [labourers] who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct..

[(*ii*) Such officer or other person authorised by him in this behalf may also enter upon or into any

property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.

(iii) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Labour impressed.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar as the case may be, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

Compensation for damage done in taking materials.

25. Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage, subject to such rules as may be framed in this behalf by the Government.

Appeals against orders under sections 24 and 25.

26. Against an order under section 24 or section 25, an appeal shall lie within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

Of Customary Labour.

Works for which customary labour is enforceable.

27. The provisions of this chapter shall apply to the following irrigation and drainage works:—

(*a*) All river and spring channels;

(*b*) All tanks;

(*c*) All feeder channels connected with tanks.

An order made under section 23 shall be immediately reported to the Deputy Commissioner.

Reports to be made by Irrigation Officer.

"The provisions of this Chapter shall apply to tanks, river and spring channels, and other irrigation works which have been brought upto standard and handed over to the raiyats for upkeep."

provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour.'

28. (*i*) Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour:— Nature of, and persons liable to perform, customary labour and the levy of cash contribution in lieu of labour.

(*a*) Filling up *gullies*, cracks, ruts and holes; in the earth work.

(*b*) Removing any rank growth or pernicious weed;

(*c*) Clearing such underwood as may be considered by the Irrigation Officer to be injurious;

(*d*) Clearing sand or silt from sluices and branch channels and repairing the earthwork of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;

(*e*) Maintaining the bund to the standard level and with the slopes specified;

(*f*) Keeping in order the feeder channels of tanks;

(*g*) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(*ii*) The Government may by an order direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at a flat rate per acre of holding be levied on the persons bound to perform the same. Such order may at any time be cancelled or modified by the Government. Such rates as may be fixed under rules made in this behalf

29. It shall be the duty of the Patel of every village to see that in respect of any irrigation or drainage work situated in the village or villages in his charge the customary labour specified in section 28 is duly performed and the work maintained in an efficient condition. Village Patel responsible for due performance of customary labour.

30. If during the execution of any work any person who is bound to contribute labour towards such work, neglects or refuses to do so, the Patel, or upon the report of the Patel, the Irrigation Officer, may get the work Execution of work with hired labour on failure of customary labour.

or other officer empowered by Government in this behalf

any work under this Chapter

performed by hired labourers after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Determination of quantum of labour to be contributed.

31. The quantum of labour which each person liable under section 28 is bound to contribute, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for failure to perform customary labour.

32. Whenever any person who is bound to contribute labour under section 28 neglects to fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of the order to the Deputy Commissioner, whose decision shall be final.

CHAPTER VIII.

Penalties and Procedure.

Offences under the Regulation.

33. (*i*) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work;

(*ii*) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed;

(*iii*) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(*iv*) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(*v*) destroys, defaces or moves any land or level mark of water gauge fixed by the authority of a public servant;

(*vi*) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(*vii*) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 43;

(*viii*) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation or drainage work;

(*ix*) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(*x*) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(*xi*) violates any rule made under section 43, the breach whereof is declared to be an offence punishable under this section; and

(*xii*) whoever being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8, shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.

Penalty.

34. Any labourer who, being duly called upon by the Patel of his village to assist by his labour in the execution of any work under section 23, refuses or neglects to comply with such call without lawful excuse, shall on conviction before a Magistrate be punished with fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

35. All offences under this Regulation are triable summarily in the manner provided in Chapter XXII of the Criminal Procedure Code.

Persons convicted under section 33 or of the offence of mischief in relation to an irrigation or drainage work liable to repair the damage, etc.

36. When any person is convicted of an offence under section 33 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

37. When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

Punishment under other laws not barred.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law fo any act or omission made punishable by this Regulation.

Provided that no person shall be punished twice fo the same offence act or omission

Power to remove obstruction or damage to

39. Any person in charge of, or employed upon an irrigation work, may remove from the lands or building belonging thereto any person who within his view:

(i) wilfully damages, obstructs, or fouls any irriga tion work, or

(ii) without proper authority interferes with the supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work

and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of

'Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law, any person who within his view

or any irrigation officer sub-ordinate
it or him

in case in which such order or
decision is not declared by this
Regulation to be final.

in accordance with the provisions
of the Code of Civil Procedure.

which such damage, obstruction or interference has been caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

CHAPTER IX.

MISCELLANEOUS.

Power of Revenue Commissioner to review.

40. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner for the purpose of satisfying itself or himself as to the propriety of any decision or order passed by him and the regularity of his proceedings.

If in any case it shall appear that any decision or order or proceedings of a Deputy Commissioner should be modified, annulled or reversed, the Government or the Revenue Commissioner may pass such order thereon as it or he deems fit.

Power to summon and examine witnesses.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

Manner of serving notices.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be

ıade by sending a copy of such notice by post in a ıgistered cover addressed to such person at his usual place residence, and if the place of residence is not known by fixing it in the *chavadi* of the village to which the ɔtion relates.]

43. No Civil Court shall take cognizance of any suit led in respect of any matter dealt with under the provi-ons of Chapter VI, or Chapter VII.

44. (i) The Government may, after due publication, ıake rules not inconsistent with this Regulation to carry ıt all or any of the provisions of the Regulation.

(ii) Without prejudice to the generality of the ɔregoing power, such rules may regulate the following ıatters, namely:—

(*a*) the proceedings of any officer who under any rovision of this Regulation, is required or empowered to ıke action in any matter;

(*b*) the cases in which, the officers to whom and ıe time and conditions subject to which orders and ecisions given under any provision of this Regulation nd not expressly provided for as regards appeal, shall be ppealable;

(*c*) the person by whom, the time, place o ıanner at or in which, anything for the doing of whicl rovision is made in this Regulation shall be done;

(*d*) the amount of any charge to be made unde his Regulation;

(*e*) matters falling under sections 8 and 12.

(iii) The rules made under this section shall b ıublished in the *Official Gazette* and shall thereupon hav ffect as if enacted in this Regulation.

tatement of Objects and Reasons.

This Bill is intended to make provision for certain natters pertaining to irrigation such as, the construction ɔf water courses *(hikkals)*; the regulation of irrigation; ɔhe levy of contribution and water rate in respect of new irrigation works; the regulation of customary labour; and the punishment of irrigation offences.

2. Provision is made for giving power to irrigation officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation

works and their protection, in times of danger, etc. (Chapter II.)

3. There is at present considerable complaint as regards the distributory channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributary channels is brought within the purview of the Bill as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III.)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematise the existing practice, and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI.)

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII.)

8. Irrigation offences are enumerated in detail, and made triable summarily by Magistrates specially empowered for the purpose. (Chapter VIII.)

NOTIFICATION.

No. 2764—*L. C., dated 26th November* 1929.

Under Rule 8 of the Rules for the conduct of business the Mysore Legislative Council, the accompanying ysore Irrigation Bill is published for general information th the statement of objects and reasons.

By Order,

P. MAHADEVAYYA,
Ex-officio *Secretary*,
Legislative Council.

The Mysore Irrigation Bill.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation Offences and such other matters pertaining to irrigation as are not adequately provided for in the existing Regulations and Rules having the force of law; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation, 19 Short Title

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof to any local area or to any class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of works from the operation of the Regulation, from such date as may be specified therein; Extent and commencement.

Provided that all existing Regulations, Rules, Orders or usages having the force of law, in so far as they are inconsistent with any of the provisions of this Regulation and the Rules made thereunder, in the areas and with respect to the classes of irrigation works to which this

Regulation is extended, are repealed to the extent to which they are so inconsistent;

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said Regulations, Rules, Orders or usages having the force of law.

3. In this Regulation, unless there is anything repugnant in the subject or context:—

(1) "Irrigation work" include

(*a*) all reservoirs, tanks, canals, channels and constructed, maintained or controlled wholly or main the Government for the supply or storage of wate purposes of irrigation;

(*b*) all works, embankments, structures, suppl escape channels, connected with such reservoirs, t canals, channels or pipes and all roads constructed fo purpose of facilitating the construction or maintenan such canals, channels, tanks, pipes or reservoirs;

(*c*) All water courses and drainage works as he after defined;

(*d*) All lands occupied by the Government for purposes of such canals, channels, tanks, pipes, reserv and all buildings, machinery, fences, gates and erections, occupied by or belonging to the Governn upon such lands;

(2) "New Irrigation Work" means any wor irrigation as defined in clause (1), constructed or com ed after this Regulation comes into force:

(3) "Water Course" (*hikkal*) means any cha or pipe which is supplied with water from an irrig work, but which is not maintained at the cost of Government, and all subsidiary works connected with such channel or pipe except the sluice or outlet thr which water is supplied to such channel or pipe:

(4) "Drainage work" means channels, e natural or artificial, for the discharge of waste or sur water, and all works connected with or auxiliary to channels and escape channels from an irrigation v dams, weirs, embankments, sluices, groins and all w for the protection of lands from flood or from erc formed or maintained by the Government either whol

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation. 'Deputy Commissioner.'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation: 'Irrigation Officer.'

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified. 'Owner.'

(8) "Labourer" means any person accustomed to manual labour: 'Labourer.

(9) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to by offences under this Regulation. 'Magistrate.'

4. The Government or, subject to such rules as may be made under this Regulation, any Officer whom the Government empowers in this behalf, may declare by Notification in the *Official Gazette*, the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed, shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

Power to enter upon land for purposes of inspection, etc.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

Powers for repairing or preventing damage to an irrigation or drainage work.

6. On any damage happening or being apprehended to any irrigation or drainage work, or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage

work, and may repair any existing work, construct a new work, or take and utilise any material, and take a measures or do anything that may in his opinion, necessary to prevent such accident or to save loss damage to any property or to repair any damage done.

Notice of intended entry on private property to be given in certain cases.

7. When an Irrigation Officer, or any person acti under his general or special orders in this behalf, propos under the provisions of section 5 or section 6 to ent into any building or enclosed court or garden attached a dwelling house into which the water does not flow fro any irrigation work, he shall previously give to the occ pier of such building, court or garden, such reasonat notice as the urgency of the case may allow.

Construction, extension, improvement or alteration of a water course on the application of person interested.

8. (1) Any person desiring the construction, exte sion, improvement, or alteration of a water course ma apply in writing to the Irrigation Officer appointed in th behalf, and the said officer shall, after giving such noti and causing such enquiries as may be prescribed by rul framed by the Government for the purpose, either perm the applicant to construct, extend, improve or alter tl said water course or have it constructed, extended, ir proved or altered, through the Public Works Departme on such terms and conditions as regards payment of cost time and mode of completion, facilities to be afforded t the applicants to safeguard other interests or to benef other lands whose owners may apply for the same, ar other matters as may be decided upon in each case, may reject the application. Against the order of tl Irrigation Officer in this behalf, an appeal shall lie, with thirty days from the date of the said order, to the Deput Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for th purposes of sub-section (1) of this section, the Deput Commissioner of the District may proceed to acquire th same under the provisions of the Land Acquisition Regu

private person, shall be deemed to be a public purpose under sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894.

No alteration of water course except with consent of Irrigation Officer.

9. No water course constructed, extended or improved under the provisions of section 8 may be altered without the consent of the Irrigation Officer.

Obligations of owners of land receiving supply from water course.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound:—

(*a*) to maintain such water course in a fit state of repair; and

(*b*) to allow the use of it to any person entitled to the same by reason of an order passed under section 8.

Enforcemnt of said obligations.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by section 10, any Irrigation Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

CHAPTER IV.

Regulation of Irrigation.

Regulation of water-supply from irrigation works.

12. The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time. as circumstances may require,

(1) the time for letting out water for irrigation,

(2) the period of the supply, and

(3) the quantity of the supply,

after holding such enquiry as is provided for by rules framed by the Government and such regulation shall be final.

Supply of water from a new irrigation work.

13. Every person desiring the supply of water from a new irrigation work, shall submit a written application to that effect to an Irrigation Officer appointed to receive

such applications, in such form as may be prescribed by the Government.

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(*a*) whenever and so along as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority ; or

(ii) in order to supply in rotation, the legitimate demand of other persons entitled to water;

(*b*) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom ; and

(*c*) within the periods fixed from time to time by an Irrigation Officer acting under section 15, of which reasonable notice shall be given.

15. An Irrigation Officer may in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly ; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding the remission of assessment as may be made by the Government and are for the time being in force.

An appeal shall lie from the order of the Irrigation Officer under this section, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

16. (1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

Right to the supply of water passes with the Property entitled to the supply.

(2) No person entitled to the use of land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the onstruction or improvement of an irrigation work in any ocal area is not likely to be remunerative unless on the ands irrigable by such work, payment of an acreage conribution or water-rate or both, in accordance with such ules as may be framed by the Government is guaranteed, he Government may direct the Deputy Commissioner or ny other officer appointed by them in this behalf to hold n enquiry in the manner hereinafter provided.

Preliminary enquiry to be held when the levy of acreage contribution or water-rate or both is necessary for undertaking construction or improvement of an irrigation work.

18. The Deputy Commissioner or other officer ppointed to make the enquiry shall publish a notice in he village or villages concerned specifying the place at /hich and the date (which shall not be earlier than thirty ays after the last date of such publication) on which the nquiry will be held. The notice shall set forth the gene- al scheme of the proposed construction or improvement, n estimate of the capital and recurring expenditure involv- d, the area which will be benefited by the scheme (here- ıafter called the benefited area) and the rates at which ; is proposed to levy contribution or water-rate or both ı respect of the lands within the benefited area, and hall invite the holders of such lands o submit any objec- ions or suggestions that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Procedure in holding the enquiry.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented o him and any remarks he may desire to make in respect f them.

20. Upon receipt of the report submitted under ection 19, the Government may after such further nquiry, if any, as it may make either abandon the scheme, r proceed with the scheme in the original form or with uch modifications as it may consider necessary; provided hat where the modifications involve a substantial increase n the benefited area or in the acreage contribution or ater-rate to be imposed, the provisions of sections 18 and 9 shall apply to the altered scheme.

21. (1) The scheme as finally approved by the overnment shall be published in the *Official Gazette*, and shall embody the following particulars:—

(*a*) a specification of the work which it is proposed o construct or improve and an estimate of the capital and ecurring expenditure involved thereby;

(*b*) the estimated time required for the completion f the work;

(*c*) a description of the benefited area;

(*d*) the rates at which contribution will be recovered n respect of the lands in the benefited area;

(*e*) the rates at which water rate will be imposed n the lands in the benefited area; and

(*f*) the fact that the consent of the holders of such and has been obtained as provided in this chapter.

(2) The contribution referred to in Clause (*d*) ub-section (1) shall in no case exceed one-half of t ifference between the value of the wet and dry lands he locality.

(3) The water-rate referred to in clause (*e*) of su ection (1) shall be liable to periodical revision at interva f not less than ten years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

Levy of contribution and water rate on lands within the benefited area.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888, contribution or water-rate or both at the rates referred to in section 21.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VI.

OF OBTAINING LABOUR AND MATERIALS IN EMERGENCIES.

Impressment of labour and materials for urgent works of repair, etc.

23. (*i*) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the Taluk, that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury,

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(*ii*) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.

(*iii*) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Payment for materials taken.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar as the case may be, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

Compensation for damage done in taking materials.

25. Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage, subject to such rules as may be framed in this behalf by the Government.

Appeals against orders under sections 24 and 25.

26. Against an order under section 24 or section an appeal shall lie within thirty days from the date of order, to the Deputy Commissioner, whose decision s be final.

CHAPTER VII.

Of Customary Labour.

Works for which customary labour is enforceable

27. The provisions of this chapter shall apply to following irrigation and drainage works:

(*a*) All river and spring channels

(*b*) All tanks;

(*c*) All feeder channels connected with tanks.

28. (i) Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour:— Nature of, and persons liable to perform, customary labour, and the levy of cash contribution in lieu of labour.

(*a*) Filling up *gullies*, cracks, ruts and holes;

(*b*) Removing any rank growth or pernicious weed;

(*c*) Clearing such underwood as may be considered by the Irrigation Officer to be injurious;

(*d*) Clearing sand or silt from sluices and branch channels and repairing the earth work of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;

(*e*) Maintaining the bund to the standard level and with the slopes specified;

(*f*) Keeping in order the feeder channels of tanks;

(*g*) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(ii) The Government may by an order direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at a flat rate per acre of holding be levied on the persons bound to perform the same. Such order may at any time be cancelled or modified by the Government.

29. It shall be the duty of the Patel of every village to see that in respect of any irrigation or drainage work situated in the village or villages in his charge the customary labour specified in section 28 is duly performed and the work maintained in an efficient condition. Village Patel responsible for due performance of customary labour.

30. If during the execution of any work any person who is bound to contribute labour towards such work, neglects or refuses to do so, the Patel or, upon the report of the Patel the Irrigation Officer, may get the work Execution of work with hired labour on failure of customary labour.

performed by hired labourers, after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Determination of quantum of labour to be contributed.

31. The quantum of labour which each person liable under section 28 is bound to contribute, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for failure to perform customary labour.

32. Whenever any person who is bound to contribute labour under section 28 neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of the order, to the Deputy Commissioner whose decision shall be final

(*vi*) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(*vii*) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 43;

(*viii*) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation or drainage work;

(*ix*) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(*x*) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(*xi*) violates any rule made under section 43, the breach whereof is declared to be an offence punishable under this section; and

(*xii*) whoever, being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8, shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.

Penalty.

34. Any labourer who, being duly called upon by the Patel of his village to assist by his labour in the execution of any work under section 23 refuses or neglects to comply with such call without lawful excuse, shall on conviction before a Magistrate be punished with fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

35. All offences under this Regulation are triable summarily in the manner provided in chapter XXII of the Criminal Procedure Code.

Persons convicted under section 33 or of the offence of mischief in relation to an irrigation or drainage work liable to repair the damage, etc.

36. When any person is convicted of an offence under section 33 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

37. When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration enlargement or obstruction, in such proportion as he thinks fit.

Punishment under other laws not barred.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation

Power to remove obstruction or damage to works.

39. Any person in charge of, or employed upon an irrigation work may remove from the lands or buildings belonging thereto any person who within his view:

(i) wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work;

and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of which such damage, obstruction or interference has been

caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

CHAPTER IX.

MISCELLANEOUS.

Powers of Revenue Commissioner to review.

40. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner for the purpose of satisfying itself or himself as to the propriety of any decision or order passed by him and the regularity of his proceedings.

If in any case it shall appear that any decision or order or proceedings of a Deputy Commissioner should be modified, annulled or reversed, the Government or the Revenue Commissioner may pass such order thereon as it or he deems fit.

Power to summon and examine witnesses.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

Manner of serving notices.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be made by sending a copy of such notice by post in a

registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.

43. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter VI or Chapter VII.

44. (i) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of the Regulation.

(ii) Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely :—

(*a*) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter ;

(*b*) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable ;

(*c*) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done ;

(*d*) the amount of any charge to be made under this Regulation ;

(*e*) matters falling under sections 8 and 12.

(iii) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted in this Regulation

Statement of Objects and Reasons.

This Bill is intended to make provision for certain matters pertaining to irrigation, such as, the construction of water courses (*hikkals*) ; the regulation of irrigation ; the levy of contribution and water rate in respect of new irrigation works ; the regulation of customary labour ; and the punishment of irrigation offences.

2. Provision is made for giving power to irrigation officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc (Chapter II)

3. There is at present considerable complaint as re gards the distributary channels leading from the mai channel. Provision is made in the Bill for the construc tion of such channels called water courses or *hikkal* after enquiry and for the recovery of the cost from th persons who derive benefit. The obligation of the raiyat to maintain distributary channels is brought within th purview of the Bill as also the power to get it done a Government cost in case of failure on the part of th person bound to do the maintenance work. (Chapte III).

4. At present, there is no statutory provision for th regulation of irrigation. Matters are at present regulate by *mamool* which is vague. Provision is herein made t systematise the existing practice, and also to enable th Government to regulate the distribution of water in time of deficient supply. (Chapter IV).

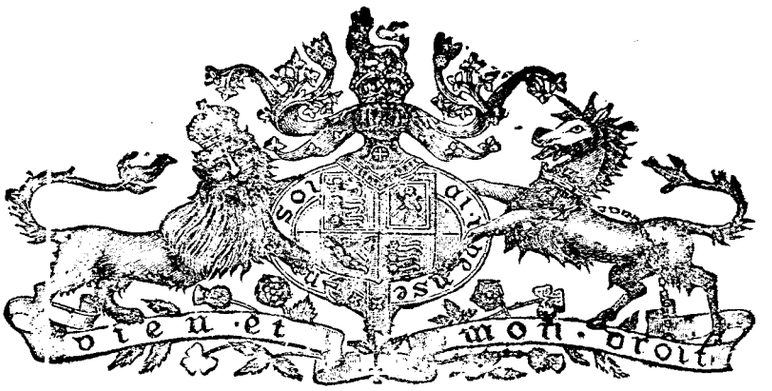
5. There is at present no statutory provision a regards the recovery of water-rate and contribution i respect of major irrigation works. Provision is now mad for the levy of contribution and water-rate in respect c new works, under certain conditions. (Chapter V).

6. There is at present no provision for impressmer of labour and material in cases of emergency when irriga tion works are in danger. This has been now provide for. (Chapter VI).

7. The existing provisions as regards maintenanc work to tanks are incorporated in the bill; and provisio is also made for commuting the liability to contribut customary labour into cash payment on defined principles (Chapter VII).

8. Irrigation offences are enumerated in detail, an made triable summarily by Magistrates specially em powered for the purpose. (Chapter VIII).

Reg. No. 1—M.



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Part IV.—Proceedings of the Madras Legislature.

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Bill No. 1 of 1924.—The Madras Irrigation Bill, with Statement of Objects and Reasons 1

Bill to be introduced in the Council of the Governor of Fort St. George for the purpose of making Laws and Regulations

Under rule 18 of the Madras Legislative Council Rules, the following Bill together with the Statement of Objects and Reasons, is published for general information:—

BILL No. 1 OF 1924

The Madras Irrigation Bill

WHEREAS it is expedient to amend the law relating to irrigation and the levy of water-cess in the Presidency of Madras; and WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Madras Irrigation Act, 192

2. It extends to the whole of the Presidency of Madras and shall come into force on such date as the Local Government may, by notification, appoint.

3. The Madras Compulsory Labour Act, 1858, and the Madras Irrigation Cess Act, 1865, are hereby repealed.

4. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Drainage-work" includes channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels, and escape-channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion, formed or maintained by the Government, whether wholly or in part, but does not include works for the removal of sewage.

(2) "Estate" means—

(*a*) any permanently-settled estate or temporarily-settled zamindari;

(*b*) any portion of such permanently-settled estate or temporarily-settled zamindari which is separately registered in the office of the Collector

(*c*) any unsettled pālaiyam or jāgīr;

(*d*) any inam village of which the grant has been made, confirmed or recognized by the British Government or any separated part of such village;

(*e*) any portion, consisting of one or more villages, of any of the estates specified above in clauses (*a*), (*b*) and (*c*) which is held on a permanent under-tenure.

(3) "Government land" means any land not forming nor included in an estate.

(4) "Irrigation-officer" shall mean any person appointed by the Local Government to exercise all or any of the functions of an Irrigation-officer under this Act.

(5) "Irrigation work" includes—

(*a*) all canals, channels, tanks, reservoirs and wells constructed by the Government whether wholly or in part and in respect of which the Government have not transferred the control and maintenance to any person or maintained or controlled by the Government whether wholly or in part or for the maintenance of which the Government have paid a contribution or have made an assignment of land or land-revenue, and used for the supply or storage of water;

(*b*) all works, embankments, structures, supply and escape-channels connected with such canals, channels, tanks, reservoirs or wells;

(*c*) all lands occupied by the Government for the purpose of such canals, channels, tanks, reservoirs or wells and all buildings, machinery, fences, gates and other erections occupied by or belonging to the Government, upon such lands;

(*d*) the whole or any part of a river, stream, lake or natural collection of water or natural drainage-channel, or any work in respect of which the Local Government have issued a notification under section 10.

(6) "Landholder" means a person owning an estate or part thereof and includes every person entitled to collect the income of the whole or any portion of the estate by virtue of any transfer from the owner or his predecessor in title or of any order of any competent court or of any provision of law.

(7) "Occupier" means in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour.

(8) "Owner" includes every person having a joint interest in the ownership of the thing specified; and all rights and obligations which attach to an owner under the provisions of this Act shall attach jointly and severally to all persons having such joint interest in the ownership.

(9) "Prescribed" means prescribed by the Local Government by rules made under this Act.

(10) "Registered holder" means any person in whose name Government land is for the time being registered in the revenue accounts.

Provided that when any person other than the registered holder is in lawful management of Government land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such Government land.

(11) "Ryot" means a ryot as defined in the Madras Estates Land Act, 1908.

(12) "Village" means any local area which is now recognized by the Local Government as a village or which may hereafter be declared by the Government or subject to their control, by the Board of Revenue, to be a village for all or any of the purposes of this Act.

(13) "Water-course" means any channel which is supplied with water from an irrigation work, but which is not maintained at the cost of Government, and includes all subsidiary works connected with any such channel, except the sluice or outlet through which water is supplied to such channel.

5. The Local Government, or subject to such rules as may be prescribed any officer of Government whom the Local Government empower in this behalf, may declare, by notification, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

CHAPTER II.

OF GENERAL RIGHTS AND THE ASSUMPTION OF CONTROL OF WORKS FOR PUBLIC PURPOSES.

6. Subject to the provisions of this Act, the Government have and are hereby declared to have the right to regulate at

their discretion for purposes of irrigation or drainage the collection, retention and distribution

(*a*) of the water of any river, natural stream or natural drainage channel, lake or other natural collection of water, such river, stream, drainage channel, lake or other natural collection of water not being wholly situated in an estate or estates ;

(*b*) of the water collected, retained or distributed in or by any tank, reservoir, channel or other work, such tank, reservoir, channel or work being one constructed by the Government and in respect of which the Government have not transferred the control and maintenance to any person or being one maintained or controlled by the Government.

7. Whenever it appears expedient to the Local Government

(*a*) that the said right should be exercised in respect of any water as is specified in clause (*a*) of the last preceding section for the purpose of existing or projected irrigation or drainage, or

(*b*) that for the purpose of existing or projected irrigation or drainage, the Government should assume control over the water of any river, natural stream, natural drainage channel, lake or other natural collection of water, such river, stream, drainage channel, lake or other natural collection of water, being wholly situated in an estate or estates or that for the regulation or improvement of the flow of water to or from any existing or projected irrigation or drainage work, the Government should assume control over any work constructed or used for the purpose of irrigation or drainage or for the protection of lands from inundation, such work being one neither constructed nor maintained nor controlled by the Government or having been constructed by the Government, the control and maintenance of it have been transferred by the Government to any person,

the Local Government may, by notification, declare that the said right will be so exercised or the said control assumed unless objection be made in the prescribed manner within two months from the date of the notification by any person interested. Such notification shall be published in the *Fort St. George Gazette* and in such other manner as may be prescribed.

8. After the issue of a notification under section 7, no person shall commence, restore, remove or alter any dam, weir, embankment, sluice, channel or any construction in connexion with such water or work without the sanction of the District Collector. But nothing herein contained shall be deemed to prevent the closing of breaches by such temporary measures as may be necessary for the continuance of irrigation.

9. All objections received under section 7 shall be considered and disposed of in such manner as may be prescribed.

10. If no objection is made as is mentioned in section 7 or if any such objection has been made and disallowed or withdrawn, the Local Government may, by a notification published in the *Fort St. George Gazette* and in such other manner as may be prescribed, declare that they will proceed to exercise the right or to assume the control referred to in the said section

(*a*) from a date which shall be specified in the notification where the exercise of the said right is for the purpose of any existing irrigation or drainage,

(*b*) from the date of the final publication of the record under section 14 in all other cases.

After the date aforesaid the Local Government may exercise in respect of the water or work referred to in section 7 all or any of the powers conferred by this Act and the liability of the landholder or owner or other person in respect of the maintenance of such water or work shall cease except as provided in section 24, and devolve on the Local Government.

11. From the date of the issue of the notification under the last preceding section no right as against Government to a supply from any water or from or through any work as is referred to in the notification shall be deemed to exist or to have been acquired except to the extent to which such water has been appropriated prior to the issue of the notification or except by grant made subsequent thereto.

Explanation.—The water of any source referred to in clause (a) of section 6 shall be deemed to have been appropriated where such water is supplied to a defined channel above ground for purposes of irrigation in an estate, the extent of such appropriation being determined in the manner specified below :—

(*a*) Where such channel was in existence at the time of the permanent or temporary settlement or inam settlement

as the case may be of such estate and was included in the grant of such estate at such settlement, the extent of such appropriation shall be determined with reference to physical conditions existing at the time of such settlement such as the size of the channel and the nature and dimensions of the sluices and weirs governing the water which enters the channel.

(*b*) Where such channel was in existence at the time of the permanent or temporary settlement or inam settlement as the case may be of such estate and was not included in the grant of the estate at the time of such settlement, the extent of actual user at the time of such settlement shall be deemed to be the extent of such appropriation.

(*c*) Where such channel came into existence subsequent to such settlement the extent of such appropriation shall be the quantity of water required for the cultivation of the largest area irrigated free of water cess in such estate from such channel in any one year from the date on which the channel came into existence up to the date of the issue of notification under section 10. In determining such quantity of water regard shall be had not only to the extent of land so irrigated, but also to the nature and number of irrigated crops usually grown on such land free of such cess and the mode of irrigation.

(*d*) In the case of any water or work referred to in clause (*b*) of section 7, such work being situated in an estate, the extent of such appropriation shall be determined with reference to its capacity, condition and customary supply and the nature and number of crops irrigated and the mode of irrigation from such water or work. Where such work is situated on Government land, the extent of such appropriation shall be determined with reference to the conditions subject to which the construction of such work was permitted by the Government or subject to which such work has been recognized by Government as a private work or the control and maintenance of such work have been transferred by Government.

Provided that where the extent of land entitled to irrigation free of cess in an estate from any water or work referred to in this section has been determined under sub-section (2) of section 54 or a determination of the extent of such land has become final under sub-section (3) of the said section nothing contained in this section shall be deemed to confer a right to a larger supply than is required for the irrigation of such extent in accordance with the terms of such determination.

12. (1) After the issue of a notification under section 7 in respect of any water referred to in clause (*a*) of the said section for the purpose of projected irrigation or drainage or in respect of any water or work referred to in clause (*b*) of the said section the Local Government shall, for the purpose of determining the extent of appropriation of water as defined in the last foregoing section, cause a record to be prepared by such officer as may be prescribed and in the manner hereinafter described.

(2) The record shall be in such form as may be prescribed and shall, as far as may be, specify the following particulars in addition to any others which the Local Government may by order direct—

(*a*) where such water adjoins or passes through or is situated in an estate or is a source of supply for the irrigation of lands in an estate

(i) the name of such estate and of the landholder thereof,

(ii) the dams, weirs, embankments, sluices or other works in connexion with such water, their nature and dimensions,

(*b*) In respect of any water referred to in clause (*a*) of section 7 irrigating lands in an estate,

(i) the size and other physical conditions of channels supplied from such water for the irrigation of such lands, the dimensions of head works, sluices, dams and other works in connexion with such channels, the persons by whom such channels were constructed and by whom they are maintained or controlled, and whether such channels were in existence at the time of the permanent or temporary settlement or inam settlement as the case may be of such estate or came into existence subsequent to such settlement and in the former case whether they were included in the grant of such estate,

(ii) the lands irrigable in such estate from such channels and the extents of such lands,

(iii) the lands irrigated in such estate from such channels in each of the years from the date of the permanent or temporary settlement or inam settlement as the case may be or, where such channels came into existence subsequent to such settlement, from the date on which they came into existence, up to the date of

the issue of the notification under section 10, the extents of such lands and the nature and the number of crops grown on such lands in each of those years and the mode of irrigation,

(iv) the lands irrigated from such channels on which water-cess has been levied by the Government in such estate in each of those years and the extents of such lands,

(v) if any determination of the extent entitled to irrigation free of the cess from such channels in such estate has at any time been made, particulars of such determination,

(vi) the extents of Government lands irrigated from such channels and their situation with reference to the estate lands irrigated from such channels.

(*c*) In respect of a river, natural stream, natural drainage channel, lake or other natural collection of water or work referred to in clause (*b*) of section 7, such work being situated in an estate—

(i) its capacity, the nature and amount of its customary supply, and the mode of irrigation from it,

(ii) the nature and extent of supply, if any, which it receives from an irrigation work,

(iii) the nature and extent of supply received by an irrigation work from it,

(iv) the particulars mentioned in sub-clauses (i) and (ii) of clause (*a*) above,

(v) the particulars mentioned in sub-clauses (ii) to (vi), both inclusive, of clause (*b*) above, which particulars shall include not only irrigation through channels, but also irrigation by other means.

(*d*) In respect of any work referred to in clause (*b*) of section 7, such work being one situated on Government land, the survey number and the name of the registered holder of the land included in the waterspread or the ayacut of such work, the assessment (wet or dry) and the water-cess levied by the Government on such land and the conditions subject to which the construction of such work was permitted by the Government, or subject to which such work has been recognized by the Government as a private work, or the control and maintenance of such work has been transferred by the Government.

Explanation.—A record shall be deemed to have been prepared for the purpose of this section when it is finally published under sub-section (2) of section 14.

13. The officer preparing the record and any person acting under his orders may for the purpose of preparing the record enter upon any land, make surveys or take levels thereon, dig and bore into the sub-soil, make and set up suitable landmarks, level marks and water gauges and do all other acts that may be necessary for any inquiry in regard to the preparation of such record.

14. (1) The officer preparing the record shall, after making such inquiry as he sees fit, complete a preliminary record and submit it for confirmation to the Local Government or other authority prescribed. The record as so confirmed or modified shall be published in such manner and for such period as may be prescribed.

(2) The officer preparing the record shall receive and consider any objection to any entry in the preliminary record in the prescribed manner. He shall submit his decisions on the objections to the Local Government or other authority prescribed and make the necessary corrections in the preliminary record after confirmation or modification by the Local Government or such authority. The record as so corrected shall be finally published in such manner as may be prescribed and the publication shall be conclusive evidence that the record has been duly made under this chapter.

(3) Subject to the provisions of section 15, every entry in a record so published shall be conclusive evidence of the matter referred to in such entry.

15. (1) Any person aggrieved by an entry in the record as finally published may, within six months from the date of the final publication, institute a suit in the principal civil court of original jurisdiction within the local limits of whose jurisdiction the water or work or any part thereof is situate.

(2) The final decree of the court shall be embodied in the record by the Local Government or such officer as the Local Government may prescribe.

16. Any notification issued under section 10 in relation to the assumption of control over any water or work referred to in clause (*b*) of section 7, shall cease to be in force where the project or

scheme of improvement or regulation for purpose of which such control has been assumed is not commenced within six years of the date referred to in the said notification.

CHAPTER III.

Of the Control and Supply of Water and of Works generally.

17. (1) The Local Government may, after publishing a notice to that effect and giving an opportunity to the persons interested to state their objections, construct, repair, modify, remove or close any irrigation or drainage work, change the irrigation or drainage work from which water is supplied and take any other measures they may consider necessary in order to control the distribution and to regulate the flow of water from any irrigation or drainage work:

Provided that before ordering the closure of any irrigation or drainage work the Local Government shall cause an inquiry to be held by the District Collector who shall issue notices to all persons known or believed to be the owners of the lands affected in the prescribed manner and hear their objections.

No right to receive a supply of water from any particular irrigation work shall debar Government from exercising all or any of the powers conferred by this section.

(2) The irrigation-officer in charge of any irrigation work shall have power to stop the supply of water in the following cases:—

Whenever and so long as such stoppage is necessary for the purpose of—

(*a*) executing any work ordered by the Local Government or by any irrigation-officer duly empowered in this behalf;

(*b*) supplying in rotation the reasonable requirements of persons entitled to a supply of water where such supply in rotation is customary or is necessitated by the state of the season or the amount of supply available in the irrigation work;

18. Any irrigation-officer, and any person acting under the special order of an irrigation-officer, may enter upon any lands adjacent to, or in the neighbourhood of, any irrigation or drainage work or through which any irrigation or drainage work is proposed to be made, and make surveys or take levels thereon;

and dig and bore into the sub-soil;

and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for any inquiry relating to any existing or projected irrigation or drainage work under the charge of the said irrigation-officer;

and where such inquiry cannot otherwise be completed, the irrigation-officer or such other person may cut down and clear away any trees, jungle, fences, or standing crops.

19. In case of any actual or apprehended damage to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the supply, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of an irrigation or drainage work, any irrigation-officer, or any person acting under his general or special orders, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such damage or for constructing any new work in case of urgency or for the inspection or regulation of the supply or for the regulation, maintenance or management of the irrigation or drainage work.

20. Any irrigation-officer or Collector or any person acting under the general or special orders of any of them may also at any time enter upon any land irrigated by any irrigation or drainage work for the purpose of measuring such land.

21. Any irrigation-officer, and any person acting under his special orders in this behalf, may, as prescribed, enter upon any land for the purpose of—

(*a*) depositing upon it soil or other things taken from such work or materials required for use on such work; or

(*b*) obtaining from it earth, stone or other material for repairing or altering such work.

22. If any irrigation-officer or other person, in the exercise of powers conferred under this chapter, proposes to enter, otherwise than with the consent of the occupier, on any land or into any building or enclosed court or garden

attached to a dwelling-house into which the water does not flow from any irrigation work, he shall previously give the occupier of such land, building, court or garden reasonable notice in writing of his intention to do so, provided that no such notice shall be necessary for entry on land in an emergency.

23. If any damage, alteration, enlargement or obstruction to any irrigation or drainage work is unauthorizedly caused by any person, and if such person cannot, after such inquiry as the Collector may deem sufficient, be ascertained or identified, the Collector may, after notice to the occupiers of all lands the crops on which have in his opinion benefited by such damage, alteration, enlargement or obstruction, and after hearing any representations which they may desire to make or after the expiry of such time for the submission of representations as may be prescribed recover from such occupiers the cost of repairing such damage or of removing such alteration, enlargement or obstruction. An appeal shall lie from every order of a Collector under this section to the District Collector, whose decision shall be final.

24. If any irrigation work serves partly land in an estate and partly Government land and requires repair, the Collector may, after furnishing the land-holder of such estate with copies of the plan and estimate and giving him an opportunity to urge his objections, execute the repair, and the charges incurred in the execution of such repair shall, in the absence of any subsisting agreement to the contrary, be divided between the Government and the landholder in proportion to the extent of land irrigated from the work on which water-cess or wet assessment is levied by Government and the extent of estate land which is entitled to irrigation from the work free of such cess, provided that where the water of the irrigation work is enjoyed by the Government and the land-holder in definite shares the charges shall be apportioned in such shares.

CHAPTER IV.

OF WATER-COURSES.

25. Any person desiring the construction of a water-course may apply in writing to the irrigation-officer requesting him to construct the water-course, and to do all things necessary for such construction at the cost of the applicant.

26. (1) If the irrigation-officer considers that the construction of such water-course is expedient, he may call upon the applicant to make such deposit as he considers necessary to cover the cost of the preliminary proceedings and the amount of the compensation if any likely to become payable, and upon such deposit being made, he shall cause inquiry to be made as to the most suitable alignment for the said water-course, and shall cause to be marked out the land which, in his opinion, will be necessary for the construction thereof, and shall forthwith publish a notice in the prescribed manner in every village through which the water-course is proposed to be taken that so much of such land as belongs to such village has been so marked out, and shall send copies of such notice to every person known or believed to be occupier of land through which the water-course is proposed to be taken and also to the Collector of every district in which such land is situate for publication in the District Gazette.

(2) The said notice shall also call upon any person who wishes to receive a supply of water through such water-course to make his application in that behalf to the irrigation-officer within thirty days of the publication of such notice. If any such applicant appears, and his application is admitted, he shall be liable to pay his share in respect of the construction of such water-course, and of the cost of acquiring the land for the same.

(3) When the preliminary proceedings are completed, an estimate of the cost shall be furnished to the applicant by the irrigation-officer. Such cost shall include the cost of works, if any, to be constructed for the passage, across the water-course, of water or drainage which it may intercept, and for affording proper communications.

27. Within thirty days from the publication in the District Gazette of the notice referred to in section 26, any person likely to be affected by the construction of the proposed water-course or interested in the land on which it is proposed to construct such water-course may apply to the District Collector by petition stating his objection to the proposed construction. The District Collector shall inquire into the objection after giving previous notice to

the persons concerned in the prescribed manner and to the irrigation-officer of the time and place at which such inquiry will be held.

Where the proposed water-course is intended to pass through more districts than one, the Collector of the district in which the head of the proposed water-course will be situated shall be the District Collector for the purposes of this section.

The District Collector shall record in writing all orders passed by him under this section and the grounds thereof.

28. The District Collector shall communicate his order to the irrigation-officer who may, if he sees fit, alter the alignment of the proposed water-course. Where such alteration is made, the District Collector shall, after notice to the persons likely to be affected by the alteration, decide whether or not such water-course shall be constructed.

29. Land required for the purpose of a water-course shall be deemed to be land required for a public purpose within the meaning of the Land Acquisition Act, 1894, and may be acquired under the provisions of the said Act.

30. Where the lands to be acquired, if any, are situate in different districts, the acquisition shall be made by the Collectors of the several districts in which the lands may lie.

31. When the land has been required or provided by the applicant or applicants the irrigation-officer shall either permit the applicant or applicants to construct the said water-course, or shall himself construct it.

Provided that no applicant shall be permitted to construct a water-course until he has paid any sum which may be due on account of the acquisition of the said land.

Provided also that it shall be open to any applicant to withdraw his application before the work of construction is commenced, if he considers the cost of acquisition or the cost of the work excessive.

32. If the irrigation-officer shall himself construct such water-course, he shall, on its completion, give to the applicant under section 25 and to the applicant, if any, under sub-section (2) of section 26 notice thereof, and also make a demand of any further sum payable by him or them on account of the cost of acquiring the land and constructing the water-course and the works referred to in paragraph (3) of section 26.

33. (1) When any applicant is permitted to construct a water-course the following conditions shall be binding on him and his representatives in interest:—

First.—The water-course and the works referred to in paragraph (3) of section 26 shall be constructed by the applicant to the satisfaction of the irrigation-officer within one year after the grant of permission. Provided that the Irrigation officer may, in his discretion, extend this period.

Second.—Land acquired for the purpose of constructing a water-course under the provisions of section 28 shall be used only for such purpose.

(2) If any of the conditions prescribed by this section are not complied with, the irrigation-officer may after notice to the applicant or his representatives in the prescribed manner himself construct the water-course and the works connected with it and recover the cost from the applicant or his representatives in interest.

34. The procedure prescribed in sections 25 to 33 shall apply to any application for the extension, improvement or alteration of a water-course.

35. (1) Any irrigation-officer empowered in this behalf, and any person acting under the special orders of such irrigation-officer may himself construct such water-courses as he may deem necessary including the works specified in paragraph 3 of section 26 or may extend, improve or alter any existing water-course or work.

(2) The procedure to be followed in such cases shall be, as far as may be, the procedure prescribed in sections 26 to 30 except where measures are taken for the alignment, construction, extension, alteration or improvement of a water-course supplied or proposed to be supplied from a Government channel connected with an irrigation work during the construction of the channel or within three years after it has been opened for irrigation in which latter case the District Collector may acquire the land required for the water-course in the manner laid down in section 29 as if no objection has been made to the alignment.

36. The Collector may order the recovery of the cost of constructing, extending, altering, or improving any water-course under section 35 and other works referred to therein including the amount of any compensation payable or that may have been paid for the purpose, in proportion to the area of land supplied with water from such water-course, from the owners or occupiers of such land.

Any order passed by the District Collector under this section shall be subject to appeal to the Board of Revenue whose decision shall be final.

37. Any person desiring to receive a supply of water through an existing water-course to which he was not entitled theretofore and who has no other reasonable means of irrigating his land may apply to the Irrigation officer. The Irrigation officer shall thereupon serve notices in the prescribed manner on all persons known or believed to be the owners or occupiers of the lands supplied with water from such water-course requiring them to show cause, on a day not less than fifteen days from the service of such notice, why the said supply should not be so conveyed; and, after making such inquiry as he thinks fit, if satisfied that the supply can be given without material injury to other lands, shall make an order determining whether, and on what conditions, the said supply shall be conveyed through such water-course.

An appeal shall lie from any order made by the irrigation-officer under this section to the District Collector, whose decision shall be final.

The irrigation-officer shall make any alteration of the water-course as may be necessary in pursuance of the order on appeal.

The applicant shall not be entitled to a supply of water by reason of any order made under this section until he has complied with the conditions, if any, imposed by the irrigation-officer and until he has paid the expense of any alteration of such water-course that may be necessary to his being supplied through it.

38. No water-course constructed or altered under the provisions of sections 31, 34, 35 or 37 may be altered without the consent of the irrigation-officer.

39. The irrigation-officer may at any time withdraw from the construction of the water-course or work after recording his reasons in writing which shall be published in the prescribed manner.

40. Every owner or occupier of land which receives a supply of water through a water-course shall be bound—

(*a*) to maintain all works necessary for the passage across such water-course of any public road or irrigation or drainage work in use at the time of its construction, and of the drainage intercepted by it, and for affording proper communications;

(*b*) to maintain such water-course in a fit state of repair.

41. If any of the obligations imposed by section 40 is not fulfilled, any irrigation officer duly empowered in this behalf may require the defaulter by notice in writing to execute the necessary work or repair within a period to be specified in such notice of not less than fifteen days, and in the case of failure, may execute the same on his behalf. Until such work or repair is executed, the irrigation officer may stop the supply of water to the water-course. All expenses incurred by the irrigation-officer in the execution of such work or repair shall be recoverable from the defaulter. Where there are a number of persons in default, such recovery shall be made in proportion to the area of land held by each of them under the water-course in question.

CHAPTER V.

OF WATER-CESS.

42. (1) It shall be lawful to the Government to levy a cess upon all land to which water is supplied or upon which water is used for purposes of irrigation from any irrigation or drainage work.

Water from an irrigation or drainage work shall be deemed to be used for purposes of irrigation, whenever such water, by direct or indirect flow, or by percolation, leakage or drainage, from or through adjoining land, irrigates any land under cultivation, or flows into a reservoir or channel and is thereafter used for irrigating such land and is, in the opinion of the Collector, beneficial to and sufficient for the requirements of the crop on such land:

Provided that no such cess shall be levied

(*a*) on Government land registered as wet unless such land, being registered as single-crop wet land, is cultivated with two or more irrigated crops,

(*b*) on land in an estate irrigated with the water appropriated under section 11,

(*c*) on land specifically exempted by the Government from payment of such cess in so far as such exemption extends,

(*d*) on land in an estate irrigated from a work the water of which is shared between the landholder and the Government, without exceeding the supply to which the landholder is entitled as such co-sharer,

(*e*) on land in an estate determined as entitled to irrigation free of the cess under sub-section (2) of section 54 or in respect of which a determination has become final under sub-section (3) of the said section except for water supplied or used for more than the number of crops entitled to water free of cess under such determination or for a wet crop where the crop entitled to water free of cess under such determination is a dry crop.

(2) Notwithstanding anything contained in the above proviso, if at any time, any new irrigation work is constructed by the Government or an old one so improved as to be placed in a higher class, the Government may revise the settlement classification and levy enhanced assessment upon land classified and registered as wet in the Government accounts or levy a charge for water upon land in an estate entitled to irrigation free of cess under clause (*e*) of the said proviso.

(3) The Government may prescribe from time to time the rules under which and the rates at which cess shall be levied under this section and different rates for different irrigation or drainage works or different areas may be prescribed.

(4) A cess due under this section shall be leviable at any time before the end of the revenue year succeeding that in which irrigation takes place, and the revenue year shall be the year ending on the 30th June or on such other date as may be prescribed by the Local Government.

43. (1) In the case of land included in an estate, the cess due under this Act shall, notwithstanding anything contained in the Madras Revenue Recovery Act, 1864, be leviable as prescribed—

(*a*) from the landholder, or

(*b*) from the ryot, or

(*c*) partly from one and partly from the other.

(2) The amount payable by a landholder or a ryot under this Act shall be a first charge upon his interest in the land.

(3) Nothing contained in this section shall affect the rights and liabilities of the landholder and the ryot *inter se* under any contract, express or implied, in regard to the payment of water-cess.

44. No civil court shall take cognizance of any suit or application questioning the rate of water-cess levied under this Act.

CHAPTER VI.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

45. Whenever it appears to the Local Government that the construction, improvement or maintenance of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work payment of water-cess at a certain specified rate is guaranteed, the Local Government may direct the Collector or any other person to make inquiry whether it is desirable to undertake the construction, improvement or maintenance of the work.

46. The Collector or other person appointed to make the inquiry shall publish a notice in the village or villages concerned and in such other manner as may be prescribed, specifying the place at which and the date (which shall not be earlier than sixty days after the date of such publication) on which the inquiry will be held. The notice shall set forth the general scheme of the proposed construction, improvement or maintenance, an estimate of the capital or recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area), the rate at which it is proposed to levy water-cess in respect of the land within the benefited area, and the period for which such rate shall not be revised and shall invite the holders of such land to submit any objections or suggestions that they may desire to make on or before a date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the inquiry. A copy of the notice shall also be served on all persons known or believed to be the holders of lands within the benefited area either by personal service or when from the number of persons or any other cause such service is not practicable in such manner as the Collector may, in

Explanation.—In this chapter the expression 'holders of land' means (1) registered holders, (2) ryots and (3) in respect of land which is private land as defined in the Madras Estates Land Act, 1908, the landholder of the estate in which such land is situate.

47. Every holder of land within the benefited area who fails within the period allowed by the notice to submit any objection or suggestion in the manner prescribed shall be deemed to have given his consent to the proposed scheme.

48. If the Collector or other person appointed to make the inquiry, after considering any objections or suggestions duly submitted and evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area consent to such construction, improvement or maintenance and to the payment of the proposed water-cess, he shall embody his proceedings in a report to be submitted to the Local Government and shall also forward a statement of objections and suggestions presented to him with any remarks that he may desire to make in respect of them.

49. Upon receipt of the report referred to in the previous section the Local Government may, after such further inquiry, if any, as may appear to them necessary, either abandon the scheme or proceed with it in its original form or with such modifications as they may consider necessary; provided that, where the modifications involve a substantial increase in the benefited area or in the rate of water-cess to be imposed, the provisions of sections 46 to 48 shall apply to the altered scheme.

50. (1) The scheme as finally approved by the Local Government shall be published in the official gazette of the district concerned and in such other manner as may be prescribed and shall embody the following particulars :—

(*a*) a specification of the work which it is proposed to construct, improve or maintain and an estimate of the capital or recurring expenditure involved thereby;

(*b*) the estimated time required for the completion of the work;

(*c*) a description of the benefited area;

(*d*) the rate at which water-cess will be imposed on the land in the benefited area, and the period for which such rate shall not be revised; and

(*e*) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(2) The publication under sub-section (1) of a scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained and that the scheme will benefit the area specified therein.

51. (1) The Local Government may from time to time modify any approved scheme notified under section 50 or substitute another scheme in its stead, and the provisions of this Act applicable to a scheme notified under section 50 shall thereafter be applicable to any scheme so modified or substituted.

(2) Provided that any consent, publication or other thing required by this Act in respect of a scheme shall be necessary also in respect of the modification of a scheme or the substitution of a new scheme for an existing one.

52. After the scheme has been carried out the Collector may, subject to the control of the Board of Revenue and the Local Government and subject to such rules as may be prescribed, levy from the holders of land within the benefited area water-cess at the rate specified in section 50 :

Provided that the Collector shall exempt from charge any land in the benefited area which in his opinion is unable to derive any benefit from the irrigation work.

53. No objection shall be taken to the rate of water-cess nor shall the liability of any person to pay the cess be questioned in any civil court:

Provided that nothing in this section shall prevent any person from obtaining a declaration in the civil court that he is not liable to pay such cess on the ground that he is not the holder of the land in respect of which the charge has been made and the Collector shall be bound by such declaration.

CHAPTER VII.

OF THE DETERMINATION AND LOCALIZATION OF LANDS IN AN ESTATE ENTITLED TO IRRIGATION FREE OF WATER CESS.

54. (1) The Local Government may, whenever they consider it necessary, direct that the extent of land in an estate

entitled to irrigation free of cess with the water appropriated under section 11 or from a shared work under proviso (*d*) of sub-section (1) of section 42, the description (dry or wet) and number of crops entitled to such irrigation and the mode of irrigation shall be determined.

(2) Such determination shall be made by the District Collector in the prescribed manner, subject to the control of the Board of Revenue and the Government. Where the determination is not accepted by any person interested, the Collector shall refer the matter for the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situate.

(3) Any determination made prior to 1st May 1917 in respect of which no suit or appeal was pending on that date shall be final.

55. (1) No civil court shall have or may exercise jurisdiction in any matter concerning the localization of land in an estate entitled to irrigation free of cess.

(2) All such localization shall be made in such manner as may be prescribed and any localization made before the coming into force of this Act shall have the same effect as if it had been made under this Act.

CHAPTER VIII.

Of the Award of Compensation.

56. Except as otherwise provided in this Act and subject to the provisions hereinafter contained, compensation may be awarded in respect of damage caused by the exercise of the powers conferred by this Act.

Provided that—

(1) No claim for compensation for any damage shall be entertained after the expiration of one year from the date of the exercise of any power conferred by this Act in respect of which compensation is claimed, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

(2) No compensation shall be awarded for any loss or damage sustained in consequence of—

(*a*) the stoppage or diminution of a supply of water from an irrigation work when such supply has been received or derived for the first time after the passing of this Act;

(*b*) the stoppage or diminution of a supply of water for irrigation to any Government land registered as wet in the public accounts when such land has not been irrigated at any time within five years immediately preceding such stoppage or diminution; or to any land registered as dry in the public accounts; or where no public accounts are maintained to any land which shall not have been regularly irrigated for the ten years immediately preceding such stoppage or diminution;

(*c*) the stoppage, diminution or increase of a supply of water due to causes beyond the control of Government, or due to omission to repair or render effective any irrigation or drainage work;

(*d*) the stoppage, diminution or increase of a supply of water for the period necessary to the execution of repairs to any irrigation or drainage work;

(*e*) the temporary stoppage or diminution of a supply of water within periods fixed from time to time by the Local Government of which due notice has been given;

(*f*) the stoppage, diminution or increase of a supply of water whenever and for so long as is necessary to meet in rotation the reasonable requirements of persons entitled to water for irrigation as provided in sub-section 2 (*b*) of section 17;

(*g*) the stoppage or diminution of a supply of water to any water-course under section 41;

(*h*) the stoppage or diminution of floods or of a supply of surface water not flowing in a stream and not permanently collected in a pool, tank or otherwise or of underground water not passing in a defined channel;

(*i*) the stoppage of navigation or of the means of floating timber;

(*j*) deprivation of silt or diminution of the fertilizing properties of water.

(3) Where in consequence of the exercise of the powers conferred by this Act any supply of drinking water is materially diminished or deteriorated and no other convenient, adequate and suitable supply be available, the Local Government shall provide within convenient distance, an adequate supply of drinking water in lieu of that so diminished or deteriorated and no person shall be

entitled to claim ... tion in respect of the said diminution or deterioration.

57. In every case of entry under sections 13, 18, 19, 20, 21 or 35 the officer making such entry shall ascertain and record the extent of the damage, if any, caused by the entry or by anything done under the above sections, and within one month from the date of such entry compensation shall be tendered by such officer to the owner of the property damaged. In case of dispute as to the extent of the damage or the sufficiency of the amount tendered, he shall forthwith refer the dispute to the Collector.

The Collector shall make inquiry as to the matters in dispute and decide the amount of the compensation.

Against the decision of the Collector an appeal shall lie to the District Collector whose decision shall be final.

58. Subject to the provisions of section 57 and save as otherwise provided, all claims to compensation for any damage sustained by reason of the exercise of any of the powers conferred by this Act shall be preferred to the Collector having jurisdiction over the local area wherein the land or part thereof in respect of which compensation is claimed is situate.

59. The Collector shall inquire into all claims under the preceding section and determine the amount of the compensation, if any, which should be warded.

60. In cases where a temporary stoppage or diminution of a supply of water as been ordered under circumstances ntitling a person to compensation under e provisions of this Act, if the compensation awarded by the Collector is ot accepted by the claimant, the ollector shall refer the matter for the cision of the Principal Civil Court original jurisdiction within the local nits of whose jurisdiction the land or rt thereof in respect of which compensaon is claimed is situate.

61. Except in cases falling under ctions 57 and 60 of this Act, the ovisions of sections 9 to 14 (inclusive), to 22 (inclusive), 26 to 34 (inclusive), , 51 to 55 (inclusive) of the Land equisition Act, 1894, shall, as far as ay be, and except in so far as a Act, apply to all inquiries into claims for compensation for damages resulting from the exercise of the powers conferred by this Act.

62. (1) In determining the amount of compensation to be awarded in inquiries made under section 61, regard may be had among other considerations to the diminution in the market-value, at the time of awarding compensation, of the property in respect of which compensation is claimed, and where the diminution in the market-value is not ascertainable, the amount shall be reckoned at fifteen times the amount of the diminution of the annual net profits of such property caused by the exercise of the powers conferred by this Act.

(2) In cases where compensation has been awarded for any damage caused by the construction, extension, improvement or alteration of a water-course or the conveyance of water through an existing water-course under sections 25 to 34 and 37, the amount of such compensation shall be recoverable by the Government from the persons for whose benefit action has been taken under those sections.

63. (1) When any land or the use thereof is required for the purpose of any irrigation or drainage work, either temporarily or permanently, the Collector may—

(*a*) with the consent of the person entitled to compensation, direct that, subject to the use of the land by the Government, so long as it may be required for the purpose of such irrigation or drainage work, the rights to the land and the enjoyment thereof in any manner not inconsistent with such use shall remain with the person so entitled, compensation being awarded only in respect of the user by Government, or

(*b*) with the consent of the person entitled to compensation and subject to the general or special sanction of the Local Government, confer on the person so entitled, in lieu of or as part of any compensation, a right to a supply of water from such irrigation work.

(2) Subject to the conditions of any award or order made under sub-section (1), clause (*a*) or (*b*) of this section, the person entitled to the land may, if it has been occupied for the purpose of any irrigation or drainage work for a period

exceeding three years, request the Collector to make a complete acquisition of the land under the Land Acquisition Act, 1894, and the land shall be acquired accordingly.

64. Whenever in the exercise of the powers conferred by this Act the supply of water to any person is stopped or diminished under circumstances entitling him to compensation under section 56, the Local Government shall, with the consent of the person so entitled and subject to such conditions as may be agreed upon, confer on him, in lieu of or as part of such compensation a right to a supply of water from any irrigation or drainage work, unless such supply is in the opinion of the Local Government impracticable or the cost of such supply would exceed the amount of compensation payable.

CHAPTER IX.

Of obtaining Labour and Materials on Emergencies.

65. (1) Whenever it appears to an irrigation-officer that unless some work or repair is immediately executed such serious damage will happen to any irrigation or drainage work as to cause sudden and extensive public injury,

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance or work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

it shall be lawful for such officer to require the headman or headmen of the village or villages in the vicinity to call upon all or any of the able-bodied male persons who reside or occupy land in the vicinity of the locality where such repair, clearance or work has to be executed to assist in the execution of such repair, clearance or work by labouring thereat as such officer or any person authorized by him in this behalf may direct.

(2) Such officer or any person authorized by him in this behalf may also enter into and upon any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such repair, clearance or work.

(3) Every person authorized as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

66. Any adult male person being duly called upon by the head of his village to labour as aforesaid, who shall refuse or neglect to comply with such call without any lawful excuse shall, on conviction before a magistrate, be punished with a fine which may extend to one hundred rupees, or with simple imprisonment which may extend to one month, or with both.

67. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 65 or whose materials may be taken under that section shall, as soon as may be reasonably practicable, be paid by the irrigation-officer for their labour and detention or for such materials at the highest market rates for similar labour or materials for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

68. Whenever as a result of the removal under section 65 of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the irrigation-officer shall pay to such person a reasonable amount of compensation for such damage.

69. Any dispute arising between the irrigation-officer and any person as to the amount to be paid to such person under section 67 or 68 may be referred by either party to the Collector whose decision thereon shall be final.

CHAPTER X.

Of Customary Labour.

70. (1) The provisions of this chapter apply to the following irrigation and drainage works:—

(*a*) all river and spring channels;

(*b*) all tanks;

(*c*) all supply and escape channels connected with tanks; and

(*d*) any other irrigation or drainage work in respect of which the Local Government after causing an enquiry to be made in the prescribed manner may, by notification, declare that it is customary to perform unpaid labour.

(2) It shall be lawful for the Local Government by an order to declare, in respect of all or any of the aforesaid works in any locality, that the customary labour referred to in section 71 need not be performed either wholly or in part.

71. Every occupier of land irrigated or drained by any irrigation or drainage work shall perform in respect of such work without payment the following customary labour hereinafter called kudimaramat work—

(*a*) filling up gullies, cracks, ruts and holes;

(*b*) removing prickly-pear, wild croton, bushes and other rank growth or pernicious weed;

(*c*) clearing away such underwood as may be considered by the irrigation-officer to be injurious;

(*d*) clearing sand or silt from sluices and channels;

(*e*) replacing stones which have been displaced from unmortared revetments, dams, calingulas and bye-washes;

(*f*) keeping clear the spaces between the upright stones of calingulas except in so far as the temporary filling up of such spaces has been permitted by the irrigation-officer; and

(*g*) any other work which the Local Government after causing an enquiry to be made in the prescribed manner may by notification declare to be customary labour in respect of any specified locality.

Explanation.—All land forming part of the registered or recognized ayacut of an irrigation work shall be deemed to be land irrigated by such work within the meaning of this section.

72. It shall be the duty of every village headman to see that the kudimaramat work in respect of any irrigation or drainage work situated in the village or villages in his charge is duly performed.

73. If such work is neglected, the headman shall report the matter to the irrigation-officer who shall call upon the headman or headmen of the village or villages in which the persons bound to do the work ordinarily reside or the land occupied by them is situate to require such persons by beat of tom-tom to carry out the work by a certain date. If the requisition be not complied with the irrigation-officer may cause the work to be done by hired labour.

74. If during the execution of kudimaramat work any person who is bound to contribute labour towards such work neglects or refuses to do so, the village headman may employ hired labourers for the performance of the labour which such person is bound to contribute.

75. The labour which each occupier of land is bound to contribute towards the performance of kudimaramat work and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village shall be determined in the prescribed manner.

76. Whenever any person who is bound to contribute labour towards the performance of kudimaramat work neglects or refuses without sufficient and reasonable cause so to contribute, the irrigation-officer may levy from such person a sum not exceeding four times the value of the labour which such person is bound to contribute.

Against the order of the irrigation-officer an appeal shall lie to the Collector whose decision shall be final.

77. (1) In respect of any irrigation or drainage work the Local Government may, in lieu of enforcing customary labour, levy an annual cess from the persons who are bound to contribute such labour, whenever a majority of such persons so desire or the Local Government consider it expedient.

The cess shall be determined and administered in the manner prescribed.

(2) The Local Government may at any time abolish the imposition of the cess; and on such abolition the liability to perform customary labour shall revive.

78. No civil court shall take cognizance of any suit filed in respect of any matter dealt with in this chapter.

CHAPTER XI.

Of Irrigation Panchayats and Boards.

79. Subject to such general or special rules as may be prescribed, the District Collector may, when he is satisfied that a substantial demand exists, constitute an irrigation panchayat for a village or for an individual irrigation work or part of such work.

Such panchayat shall consist of the village headman, who shall be a member ex officio, and of not more than nine and not less than three other members who shall be elected in the manner prescribed, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office as soon as he ceases to possess the aforesaid qualification.

80. Subject to such general or special rules as may be prescribed, the District Collector may constitute an irrigation board consisting of two or more panchayats or delegates therefrom in respect of an irrigation work irrigating more than one village.

The appointment of delegates to irrigation boards shall be made in the manner prescribed and every delegate shall hold his office only for such time as he continues to be a member of the panchayat of which he is the delegate.

81. (1) Subject to such rules as may be prescribed, the panchayat or board may (*a*) elect a president from among themselves and (*b*) frame by-laws for the conduct of its business.

(2) The provisions of the following sections as regards panchayats shall also apply as far as possible to irrigation boards.

82. (1) On the constitution of an irrigation panchayat under section 79 the District Collector may place any irrigation work or any portion thereof which he considers suitable for management by a panchayat under the control of the panchayat subject to the condition that the panchayat shall maintain such work to the satisfaction of the Collector and subject also to such other conditions as may be prescribed.

(2) Subject to the rules mentioned in clause (1) and to any further rules that may be framed by the District Collector in this behalf, a panchayat appointed under section 79 shall have power—

(*a*) to exercise, in respect of the irrigation work under its control, all the functions of an irrigation-officer under this Act in regard to impressing labour and obtaining materials on emergencies and demanding and enforcing customary labour;

(*b*) to recover and administer the cess levied under section 77 in respect of the irrigation work under its control;

(*c*) where no cess is levied under section 77 to levy in lieu of kudimaramat work, either wholly or in part, a cess at a rate not exceeding the rate which may be prescribed;

(*d*) to regulate in respect of any irrigation work under its control the manner and the order in which the lands in the village under that work shall be irrigated, the time of the commencement of the issue of water, the period up to which the supply of water shall continue and the quantity to be let out;

(*e*) to take such other steps as may be necessary in order to secure the proper maintenance of any irrigation work entrusted to its control and the due utilization of the water contained therein; and

(*f*) generally to exercise, in respect of any irrigation work entrusted to its control, such of the powers vested in the Government as may be delegated to it by the Government by a general or special order made in this behalf.

Against an order of the panchayat levying a cess under clause (*c*) of this sub-section an appeal shall lie to the Collector whose decision shall be final.

83. Any panchayat constituted under section 79 may frame such by-laws as it may deem expedient for the purposes set out in the last preceding section and shall publish such by-laws in the village in such manner as may be prescribed.

84. (1) Any person who, in contravention of the by-laws framed and published by the panchayat under the preceding section, irrigates any land

from any irrigation work under the control of that panchayat shall be liable to pay, by order of the panchayat, a penalty not exceeding Rs. 20 per acre for such land on each occasion of such irrigation, and the panchayat may stop the supply of water to such land until the penalty is paid or recover such penalty from such person as an arrear of land revenue.

(2) Such penalty shall be levied without prejudice to the imposition of enhanced water-cess under section 98 of this Act provided that such enhanced water-cess shall be reduced by the amount of any penalty which may have been imposed and collected by the panchayat under sub-section (1) of this section.

(3) Against an order of the panchayat under sub-section (1) an appeal shall lie to the Collector but only on the ground that the order or the by-law on which it is based is contrary to the orders passed by an irrigation-officer or to any turns or agreement recognized by such officer or that it is contrary to law.

(4) No civil court may take cognizance of any suit relating to any order of a panchayat imposing a penalty or stopping water except on the ground that the order or by-law is contrary to law or a decree of a civil court.

85. Whenever the Local Government are satisfied that, for the proper protection, maintenance or management of an irrigation work under its control, it is necessary for a panchayat to carry out work not being kudimaramat work, the Local Government may provide the panchayat with funds to meet the cost of such work either wholly or in part. When funds are so provided the panchayat shall carry out the work in such manner and within such time as the Local Government may direct.

86. (1) All sums realized as penalties and all other receipts of a panchayat, including any contribution from the Local Government, shall constitute a fund to be called the "Irrigation Panchayat Fund." The accounts of the fund shall be kept in the manner prescribed.

(2) The expenses incurred by the panchayat in carrying out the purposes mentioned in this chapter shall be paid out of the Panchayat Fund.

Provided that any contribution made by the Local Government for any specific purpose shall be applied solely to that purpose.

87. (1) If in the opinion of the District Collector any panchayat persistently makes default in the performance of the duties imposed upon it by this Act or exceeds or abuses its powers, such Collector may, after giving an opportunity to the members of the panchayat to be heard in their defence, order the panchayat to be dissolved.

(2) Where a panchayat has been ordered to be dissolved, the members thereof shall vacate their office from the date of the order of dissolution and the District Collector shall take charge of any moneys which may be in the hands of the panchayat and shall utilize the same for such purposes and in such manner as may be prescribed.

88. No member of a panchayat shall be liable to be sued for any act done in good faith in pursuance of the provisions of this Act.

89. Where under section 18 of the Madras Village Panchayat Act, 1920, the Local Government have transferred to a panchayat constituted under the said Act the protection, maintenance and management of an irrigation work, such panchayat, notwithstanding anything contained in section 79 of this Act, shall, in respect of such work, be deemed to be, and be competent to exercise the powers and perform the duties of, an irrigation panchayat constituted under this Act. Such panchayat shall keep the Irrigation Panchayat Fund distinct from the "Panchayat Fund" constituted under the Madras Village Panchayat Act, 1920.

CHAPTER XII.

OF JURISDICTION AND PROCEDURE.

90. Except where otherwise provided or an order or decision is declared to be final, all claims in respect of anything done under this Act may be tried by the civil courts; but no such court shall entertain a suit or application for the issue of an injunction to restrain the exercise of any powers conferred by this Act upon the Local Government or any person or body of persons or any officer.

91. Any person empowered under this Act to conduct any inquiry may exercise all such powers connected

with the summoning and examining of witnesses as are conferred on Civil Courts by the Code of Civil Procedure.

92. Every inquiry conducted under this Act shall be deemed to be a judicial proceeding.

93. The period of limitation for an appeal under this Act shall run from the date of the order appealed against and shall be as follows:

(*a*) When the appeal lies to the Collector or District Collector—thirty-days.

(*b*) When the appeal lies to the Board of Revenue—sixty days.

CHAPTER XIII.

Of Offences and Penalties.

94. Whoever, without proper authority, and voluntarily, does any of the following acts, that is to say

(1) damages, alters, enlarges or obstructs any irrigation or drainage work;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful for the purpose for which it was constructed;

(3) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any irrigation or drainage work;

(4) constructs, removes or alters any dam, weir, embankment, sluice, channel or other work in contravention of the provisions of section 8;

(5) disobeys any order made under section 37;

(6) corrupts or fouls the water of any irrigation work so as to render it less fit for the purposes of irrigation.

(7) destroys, injures, defaces or moves any land-mark, level-mark or water-gauge fixed by the authority of a public servant;

(8) causes animals or vehicles to pass on or across any of the works, banks or channels of a drainage or irrigation work after such passage has been prohibited by the District Collector;

(9) causes or knowingly and wilfully permits animals to graze or be tethered upon the bank or border of any irrigation or drainage work after such grazing or tethering has been prohibited by the District Collector;

(10) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(11) commits any breach of any rule made in accordance with the provisions of section 101 for breach whereof the Local Government has, in such rules, directed that a penalty may be incurred;

shall be liable, on conviction before a magistrate, in the case of offences under sub-sections (1) to (4), to a fine not exceeding one hundred rupees, or to imprisonment for a term not exceeding two months, or to both, and in the case of offences under sub-sections (5) to (11), to a fine not exceeding fifty rupees, or to simple imprisonment for a term not exceeding one month, or to both.

95. Whenever any magistrate imposes a fine upon any person for an offence under this Act, he may direct that the whole or any part of such fine may be paid by way of compensation to the person injured by such offence.

96. When any person is convicted of an offence under section 94, or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting magistrate may order that he shall remove the obstruction or repair the damage or replace or repair the land-mark, level-mark, water-gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any irrigation-officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Collector.

97. Any irrigation-officer or other person duly empowered in this behalf in charge of or employed upon any irrigation or drainage work may remove from any land or buildings appertaining thereto any person who in his view commits any of the offences mentioned in sub-sections (1), (2), (3) and (7) of section 94.

98. (1) Whenever in the opinion of the Collector water has been taken for the purpose of irrigation from any irrigation or drainage work in contravention of the provisions of section 17 or in violation of any rule made und-

section 101, it shall be lawful for the Collector to impose, in addition to the cess, if any, leviable under this Act and subject to such rules as may be prescribed, enhanced water-cess not exceeding twenty times the water-cess ordinarily payable for a first irrigated crop in respect of such water.

Provided that where a person has become liable to enhanced water-cess under this section and his act also amounts to an offence under section 94, he shall not be liable both to pay enhanced water-cess under this section and also to undergo prosecution for the offence.

(2) In cases where the cost of repairing or removing damage, alteration, enlargement or obstruction to an irrigation or drainage work is recoverable under section 23, the Collector may, in addition to such cost, recover from the occupiers of lands the crops on which have benefited by such damage, alteration, enlargement or obstruction, enhanced water-cess not exceeding twenty times the water-cess ordinarily payable for a first crop irrigated in respect of such water. Against the order of the Collector an appeal shall lie to the District Collector, whose decision shall be final.

(3) The enhanced water-cess provided in this section shall be leviable also on lands which are ordinarily exempt from a separate cess for water.

Explanation.—For the purposes of this section the words "water-cess ordinarily payable" shall, in the case of land paying a wet-rate of assessment to Government, mean the wet-rate of assessment for a first crop fixed on the land.

CHAPTER XIV.

SUPPLEMENTARY PROVISIONS.

99. The provisions of Chapters IX and X apply also to landholders' works of irrigation in an estate.

Provided that—

(1) the functions of the irrigation-officer shall, in regard to such works, be exercised by such officer as the Local Government may appoint;

(2) all charges incurred by Government, in respect of such works, on account of employing labour, cost of materials and compensation for damage, or otherwise, shall be recoverable from the landholder;

(3) customary labour shall not be enforceable in respect of any work which serves exclusively the landholders' private land as defined in the Madras Estates Land Act, 1908.

100. All cesses, contributions and costs payable, and all fines, penalties and other sums leviable under this Act shall be recoverable as arrears of land revenue.

101. (1) The Local Government may, from time to time, after previous publication, make rules for the purpose of carrying out the provisions of this Act and alter or cancel any rules so made.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Government may make rules—

(*a*) regarding the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(*b*) prescribing the cases in which and the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, unless otherwise expressly provided for in this Act, shall be appealable;

(*c*) prescribing the persons by whom, and the time, place or manner at or in which, anything for the doing of which provision is made in this Act shall be done;

(*d*) prescribing the officers by whom, and the local limits within which, all or any of the powers or duties conferred or imposed by this Act shall be exercised or performed;

(*e*) prescribing the conditions subject to which supplies of water may be made from an irrigation or drainage work; and declaring the manner in which sources of irrigation shall be assigned to any land;

(*f*) declaring the rates of water-cess leviable under this Act;

(*g*) declaring the enhanced rates which may be levied for water taken in contravention of this Act or of any rule or order made thereunder;

(*h*) declaring the manner and the proportion in which water-cess shall be levied from the landholder and the ryot under section 43;

(*i*) for the determination of the extent of land entitled to irrigation free of water-cess;

(*j*) for the localization of such land;

(*k*) for the determination of the customary labour to be contributed by each village where an irrigation or drainage work serves more than one village or by individual persons;

(*l*) for the determination, collection and administration of the cess levied under section 77 in lieu of customary labour;

(*m*) for the conduct of business by panchayats and irrigation boards and for the maintenance of a record of their proceedings;

(*n*) for the election of the members of panchayats, and the appointment of delegates to irrigation boards;

(*o*) for the election of the president of a panchayat or irrigation board;

(*p*) for declaring the objects on which expenditure may be incurred by a panchayat, or irrigation board;

(*q*) for the conduct of inquiries by panchayats, and irrigation boards;

(*r*) regarding the accounts to be maintained by panchayats and irrigation boards, the audit of such accounts and the arrangements to be made for the lodging and custody of the Irrigation Panchayat Fund;

(*s*) prescribing the maximum rate of cess which an irrigation panchayat or board may levy;

(*t*) prescribing the forms and the mode of service of notices and orders under this Act where no form or mode of service is prescribed by this or any other Act; and directing the manner in which any notifications shall be published; and

(*u*) for the guidance of officers in the exercise of the duties assigned to them under this Act.

(3) All such rules shall be laid before the Legislative Council for a period of not less than two months while the Council is in session.

STATEMENT OF OBJECTS AND REASONS

The advisability of legislating in order clearly to define the position of the State in respect of irrigation was recognized as early as 1856, when the Governor in Council directed the drafting of an Act to set out "what is clearly the common law of the country, viz., that rivers and natural streams as well as springs in unoccupied or Government land belong to Government." The Bill prepared in pursuance of that direction accordingly contained a declaration to this effect and further enunciated "the undoubted right of Government to levy a reasonable tax", for the use of the water from the sources mentioned. As, however, the need for legislation did not at that time appear to be urgent, it was ordered in 1861 that the Bill should lie over for future consideration; and for many years no further action was taken.

2. In 1880 the subject was revived by the publication of the report of the Famine Commission, which drew specific attention to the "great inconvenience occasioned by the absence of any irrigation law for Madras." As a result of the discussion thus initiated a new Bill was prepared in 1884 with the object of "establishing the law relating to irrigation and navigation works." This draft, based substantially on the Bombay Irrigation Act, 1879, was referred to a Select Committee which, after making certain alterations, reported by a considerable majority in favour of its provisions. The measure as thus altered was, however, condemned by the Board of Revenue as unsuited to the conditions of the Madras Presidency and in 1888 the Bill was, by order of Government, withdrawn.

3. The difficulties which arise from the want of a precise enactment enabling the State to control and regulate irrigation in the interests of the general community, continued to obtrude themselves upon the notice of Government, and in 1898 the Board of Revenue was consulted as to the advisability of legislating. The reference requested the Board to collate the various decisions of the civil courts and to report, in consultation with district officers, as to the nature and extent of legislation requisite in order to define and secure the paramount authority of State to control irrigation to the best advantage for the public good. The resolution submitted in reply dealt exhaustively with the subject, and while the complex issues involved were still under consideration, the Board's recommendation to legislate received strong confirmation from the report of the Indian Irrigation Commission, for the Commissioners in Volume II of their report—particularly paragraphs 272 to 286—warmly advocated the enactment of an irrigation law for this Presidency. The Government accepted the concurrent conclusions of these authorities as to the need for legislation and in 1905 placed an officer on special duty for the purpose of drafting an Irrigation Bill. The result of his labours was subjected to prolonged scrutiny and in March 1908 a draft Bill was referred to the Board of Revenue for report in consultation with select revenue officers and representative private bodies and individuals, while the High Court and the Advocate-General were simultaneously requested to favour Government with their observations, and arrangements were made to procure a general expression of the views of competent officers of the Public Works Department with regard to the matters in issue. The replies received gave rise to radical alterations in the Bill and in the end of 1909 a re-draft was prepared eliminating the principal defects which had excited adverse criticism in the previous Bill. Framed mainly on the lines which legislation relating to irrigation had followed in other Provinces of India during

he preceding 35 years, the revised Bill was referred for scrutiny to the same authorities as the neasure of 1908, and at the same time was laid on the Editors' Table with an explanatory Order (G.O. No. 3172, Revenue, dated the 19th November 1909), so as to ensure the full benefit of public criticism and suggestion. In consequence of the opinions elicited, the revised Bill underwent further alterations both in substance and form and the measure as thus revised was approved by the Government of India in 1914. It was announced that the motion to ntroduce the Bill would be made at the meeting of the Legislative Council which was to be eld on 20th November 1914. Before, however, the motion could be moved by the Honourable Member in charge of the Bill, a motion was made that the consideration of the subject be djourned until a convenient date after the war. The Government opposed the motion on he ground that it was desirable to introduce the Bill in order to remove misapprehensions vhich existed regarding it in the mind of the public. Finally, however, the motion for djournment was carried and further progress of the Bill had to be deferred until the conclusion f the war.

4. Since then certain legal pronouncements have been made on the subject of irrigation ights, the most notable of which is the decision of the Privy Council in the Urlam case which s reported in I.L.R., 40 Mad., page 886, in which Their Lordships held that the right to free rrigation in respect of an estate should be measured with reference to the quantity of water to vhich the landholder was entitled at the time of the grant. This ruling seriously altered the aw relating to the levy of water-cess as it had been generally understood and administered before which was that a zamindari or inamdari right to free irrigation from the sources which were in existence at the time of the permanent settlement or inam settlement was confined to he extent of the then wet cultivation. Their Lordships also made certain observations on the difficulties arising out of the obscurity of the wording of the Irrigation Cess Act VII of 1865. With a view to re-state the law and remove the uncertainty due to the defective wording of the Act, a Bill to amend the Act was framed and it was decided to introduce it as an emergent measure; but this was also dropped on account of the war. The other decisions, some of which re amazingly contradictory, relate to riparian rights and the ownership of rivers and streams based on those rights.

5. The Bill of 1914 was revised so as to clear the doubts and difficulties created by the ubsequent decisions and advantage was also taken of this opportunity to make it a comprehensive measure by including in it provisions on water-rates and the allied subject of namul wet, on kudimaramat and on irrigation panchayats. Whenever of recent years Bills for dealing with irrigation questions were submitted to the Government of India, they urged upon this Government the framing of a comprehensive enactment dealing especially with water-ess and kudimaramat; but this Government always demurred to it on account of the urgency f the measure they had in hand. As such an objection could no longer be urged, a comprehensive nactment was prepared and after obtaining the sanction of the Governor-General the Bill was introduced at the meeting of the Legislative Council held in January 1923. The Council by a majority rejected the Bill. As much of the opposition to the Bill was due to a misapprehension of its provisions it was considered desirable to refer the Bill to a special committee. A committee consisting mostly of non-officials was accordingly appointed with the Member of the Executive Council in charge as the President. The committee examined the provisions of the Bill in great detail. After a careful consideration of the recommendations of the committee the Bill has been revised so as to give effect to those recommendations wherever practicable.

6. The history of the Bill having thus been set out, it remains to expound the main objects and reasons underlying its provisions.

With the exception of Chapters V, VI, VII, X, XI and XII the Bill is framed generally on the model of the Bombay Irrigation Act, 1879, and the Burma Canal Act, 1905. The Bill contains a declaration of the State's rights of control over the waters of rivers, streams, etc., not wholly situated in an estate.

7. Chapter I embodies the necessary preliminary definitions. These have for the most part been taken from the Burma Act, subject to certain modifications necessitated by local conditions. Mention may in particular be made of the substitution of the term 'irrigation work' for the word 'canal.' Clause 5 makes provision for the grant of powers under the Act to the officers charged with the duty of applying it and enables the Local Government to delegate their functions in this respect.

8. Chapter II treats of rights and the assumption of control of works not belonging to Government for public purposes.

The declaration in clause 6 of the paramount right of the State to control the waters of rivers, etc., is based on the provisions of the Indian Easement Act and on a series of judicial decisions in this Presidency. Waters wholly situated in an estate are excluded from the declaration in pursuance of the wishes of the committee.

Clauses 7, 9 and 10 enable the Local Government by notification to apply the water of any river or stream or natural collection of water not wholly situated in an estate or estates for the purpose of any existing or projected irrigation or drainage work and to assume control over natural sources wholly situated in an estate or estates and over any work which has not been constructed or maintained by Government. Upon the issue of a notification under clause 10 the Local Government will have full powers of control and regulation subject only to the payment of compensation for damage, for which provision is made in Chapter VIII and the liability of the landholder to maintain notified works in his estate will devolve upon Government.

Clause 8 prohibits private interference with the water notified.

Clause 11 safeguards private rights in respect of water already appropriated and bars the accrual of future ones except by grant. The complications that arise from the theory of riparian rights are obviated by this provision. The clause defines appropriation and the extent to which such appropriation shall be deemed to have been made. In framing the definition the principle of the decision of the Privy Council in the Urlam case has been kept in view in the case of estates. In the case of Government lands the clause embodies existing rules.

Clauses 12 to 15 require the preparation of a record-of-rights after the issue of a notification under clause 7 except where the notification relates to a natural source not wholly situated in an estate or estates and is for the purpose of existing irrigation or drainage.

Clause 16 provides that a notification under clause 10 shall in certain cases cease to operate by efflux of time. It may be noticed that this clause applies only to natural sources wholly situated in an estate or estates and to private works and in respect of the former its operation is restricted to cases where control is assumed for purpose of *projected* irrigation or drainage Where the control is for the purpose of *existing* irrigation or drainage, the clause will not apply and consequently the notification will continue to be in force until it is formally cancelled by the Government.

9. Chapter III, relating to the control and supply of water and of works generally deviates from the Burma model, which merely enumerates the exceptional circumstances justifying interference with the supply of water to any water-course or any person.

In view of the inconvenience noticed by the Irrigation Commission as arising from the absence of any statutory definition of the rights of Government over irrigation it has been thought preferable specifically to declare what powers are possessed by Government and irrigation officers in regard to the construction of irrigation works and the control of water-supply. Clause 17 of the Bill has been drafted accordingly.

As against the arbitrary use of the powers declared, ample protection is afforded to the owners of irrigated land in the shape of the compensation admissible in respect of substantial damage and by requiring the provision of a fresh source wherever practicable where the existing supply is stopped or diminished (Chapter VIII), but risk of obstructive action on their part is obviated by a later clause (90) which bars any suit or application in a civil court for the issue of an injunction to restrain the exercise of the statutory powers conferred upon Government and its officers.

Clauses 18 to 22 give the requisite power of entry upon land or buildings for the purpose of survey, inspection and any other action necessary for the regulation, maintenance and management of irrigation or drainage works.

Clause 23, following section 36 of the Burma Act, provides for the recovery of the cost of repairing any damage caused to such works from the occupiers of the lands which derive benefit from that damage, if the person causing it is not identifiable; provision is further made in clause 98 for the infliction of a substantial penalty, not exceeding twenty times the water-rate on the land benefited, in order to meet cases in which the actual cost of repairs is trivial and the offender a mere tool of influential persons but the mischief done affects a large extent of irrigated land and causes material injury to ryots having preferential claims to the water wrongfully diverted.

Clause 24 deals with the subject of contributions towards the repair of irrigation works which serve jointly estate and ryotwari land. In the interests of the ryots affected it is essential that Government should have power to carry out necessary repairs without delay, and where the expenditure so incurred benefits an estate, the landholder is equitably liable to contribute to the cost of repair unless he pays a separate cess for the water-supply which he receives.

10. Chapter IV treats of water-courses. Clauses 25 to 34 prescribe the procedure to be followed in the construction of water-courses upon application made to an irrigation officer for such purpose, while clause 35 enables the irrigation officer of his own initiative to construct new water-courses or to extend, alter and improve those already existing. In view of the importance of adequate provision for the rapid construction of water-courses in connexion with any large scheme of irrigation and in order to ensure the timely development of such schemes and the realization of the returns in the period anticipated in the financial forecasts, the procedure prescribed for the acquisition of land in the case of private applications has been intentionally simplified in clause 35 which governs acquisitions made by an irrigation officer *suo motu* for the purpose of new works.

Under clause 36 the cost incurred by the irrigation officer on the construction, extension, alteration and improvement of water-courses is recoverable from the owners or occupants of the land irrigated by water therefrom.

The provisions of this chapter have been taken mainly from the Burma and Bombay Acts. These models have been departed from however in one respect, namely, in that the water-courses after construction will remain the property of Government and possession will not be made over to the applicants. The deviation is in accordance with the prevailing practice in this Presidency, according to which irrigation channels are ordinarily treated as State property subject to communal or private rights of user. This method of treatment, besides simplifying the Bill, has the further advantage of avoiding occasions for dispute as to rights and liabilities which would inevitably arise if the ownership of water-courses were vested in an uncertain number of private persons with varying and often conflicting interests.

11. Chapter V treats of water-cess. The provisions of the Madras Irrigation Cess Act, 1865, are embodied in this chapter but reference to 'engagements' is omitted as this term has given rise to a number of conflicting decisions. The amendments to the Madras Irrigation Cess Act introduced by Act II of 1913 are also embodied in the present chapter with the exception of sub-section (3) of section 1-A which enables the landholder to recover from the ryot any sum paid by him between 1911 and 1913 which the ryot would have been liable to pay had the Act been in force at the time of the collection. The excepted provision has done its work and is no longer required as the claims referred to therein have become time-barred by the end of 1916. Following the recommendation of the Irrigation Commission of 1901—03 provision is also made for the levy of enhanced assessment upon Government land classified as wet and a charge for water upon land in an estate entitled to irrigation free of charge whenever the supply of water is enlarged or otherwise improved by the Government.

12. Chapter VI deals with the execution of works on special terms. The absence of such a provision has been felt to be a serious want in the Presidency. There are projects under contemplation which will not be remunerative unless the payment of water-cess at a specified rate is guaranteed in respect of the land in the commanded area whether the holders of such land choose to take water or not. The ryots have expressed their willingness to do so, but the Government are advised by their law officers that under the existing law such agreements do not run with the land and are not enforceable against transferees. This chapter is intended to remedy the defect. Some of the provisions have been taken from the United Provinces Minor Irrigation Works Act.

13. Chapter VII treats of land in an estate entitled to irrigation free of charge.

Clause 54 deals with the determination of the extent of such land. Under clause 42 water appropriated for purpose of irrigation in an estate in the manner and to the extent defined in clause 11 and water to which a landholder is entitled from a shared work are exempt from charge. In both these cases the right to free irrigation is measured with reference to the quantity of water. In the interests of administration and development of irrigation it may be necessary to commute the right into acreage and the clause reserves power to the Government to do so.

The clause further provides that settlements effected prior to 1st May 1917 in respect of which no suit was pending on that date are final. The object of this provision is to preclude landholders from seeking to reopen concluded settlements on the strength of the decision in the Urlam case which was pronounced on 3rd May 1917, taking advantage of the ruling in 37 Mad., 322, that the levy of water-cess every year gives rise to a fresh cause of action. Several suit notices have been received from landholders who want to repudiate settlements effected even so far back as 1906, and unless such claims are barred there will be a crop of litigation.

Clause 55 deals with localization. The past history of mamul wet in the Gōdāvari and Kistna deltas has demonstrated that unless land entitled to irrigation free of charge is localized there will be serious administrative inconvenience and loss of public revenue. There still remain extensive blocks of unlocalized land in Kistna and other districts and under the existing law there is no means of compelling the landholders to localize them. Several expedients have been suggested none of which is likely to be effective and legislation seems to be the only remedy. One reason why landholders evade localization is that they apprehend suits from their ryots. Under the existing law it is open to a ryot whose land has not been recognized as wet to sue for a declaration that it should be so treated (I.L.R., 32 Mad., 423).

Sub-clause (1) bars such suits.

14. Chapter VIII brings together as far as possible all provisions relating to the award of compensation. The general principle adopted is that compensation should be granted in respect of damage caused by the exercise of the powers conferred by the Bill, and the limitations to which that principle is subjected are set out in clause 56.

Proviso (1) to that clause prescribes that claims to compensation must ordinarily be made within one year of the date of the exercise of the power in respect of which compensation is claimed.

The limitations enumerated under proviso (2) are, for the most part, based on section 31 of the Bombay Act and sections 9 and 39 of the Burma Act. But special mention should be made of the items lettered (*a*), (*b*), (*c*) and (*j*). The first of these, item (*a*), is intended to secure greater freedom for the alteration and improvement of new extension of irrigation under which the initial arrangements are to some extent tentative and may be found after trial to require modifications the introduction of which would be seriously hindered if the holders of land newly irrigated thereunder were permitted forthwith to acquire legal rights to the continuance of the supply of water. The limitation embodied in item (*b*) bars claims to compensation for the withdrawal of supply of water from land registered as 'dry' in the public accounts maintained under the Madras revenue system. Item (*c*) as it stood in the Bill of 1909 contained the following additional words :—

"Or due to the omission of Government to repair or render effective any irrigation work."

This limitation was omitted in the Bill of 1911 on the ground that it is "too general in its terms and any reference to the subject is unnecessary by the first part of the clause and also may affect the interpretation of the general law."

The reason for the omission is not convincing. It has been held by Judicial Courts that Government are not under an obligation to maintain irrigation works (20 M.L.J., 869). This is an important statement of law and its insertion in the Bill is considered necessary for the guidance of the Revenue officers who have to deal with claims for compensation. The provision in the Bill of 1909 is therefore restored.

The limitation lettered (*j*) has been inserted because of the impracticability of estimating damages ascribed to the diminution of silt.

Proviso (3) follows clause 21 of the Bill of 1906. The provision which was omitted in the later drafts is now restored on the recommendation of the special committee.

Clauses 57 to 62 lay down the procedure to be followed in dealing with claims to compensation. Clause 63, following the Burma model, permits the grant of compensation in the shape of right to supply of water from the irrigation work constructed.

Clause 64 deals with the provision of a fresh supply wherever practicable in lieu of or as part of compensation for stoppage or diminution of existing supply. This clause is inserted on the recommendation of the committee.

15. Chapter IX treats of obtaining labour and materials on emergencies.

The wording of Madras Act I of 1858 relative to compulsory labour is somewhat loose and the provisions have been recast on the model of the Bombay Act VII of 1879 and the Burma Act II of 1905. The obsolete provision for determining compensation by means of panchayat is repealed.

16. Chapter X deals with *kudimaramat*. The law on the subject is now contained in section 6 of Act I of 1858 where it is most inadequately dealt with. The question of enacting more complete provisions on the subject has been raised from time to time during the last 50 years. The Commission which reported on minor irrigation works in 1870 advocated fresh legislation and drafted a Bill which was referred to the Board of Revenue. The Board supported the proposal to legislate, but Government took no further steps at the time. In 1879 the Irrigation Sub-Committee of the Famine Commission again pressed for the legislation and its views were fully endorsed by the Famine Commission. A committee was accordingly appointed to prepare a Bill which was submitted to Government in 1882 and which was introduced into the Legislative Council and referred to a Select Committee. In 1884, however, the proposed measure was withdrawn principally on the ground that additional funds had become available for the maintenance of minor irrigation works—a reason which can hardly be regarded as adequate seeing that the principal ground for enforcing customary labour is that it is required for carrying out petty works which cannot by their nature be properly seen to by Government or by any one but the people on the spot who alone are in a position to do those repairs which, trifling in themselves, may, if neglected, lead to serious injury. The Irrigation Commission of 1901–1903 again revived the subject and strongly advocated the enactment of a more satisfactory law. The various Collectors have been consulted and there is a general agreement among them that the present law is inadequate for the due enforcement of *kudimaramat* and that it ought to be amended.

The chief defects of the present law are that custom has to be proved before *kudimaramat* work can be exacted, that the nature of the irrigation works for which *kudimaramat* work can be required is not clearly stated, that an inadequate penalty for failure to perform *kudimaramat* labour is provided, that sums payable have to be settled by a panchayat, that sums recovered have to go into separate village funds, that it is left uncertain whether the owner or the occupier of land is the person responsible for doing work and that no provision is made for composition for *kudimaramat* by payment of a cess or for settlement of disputes as to the shares of work contributable by villages when more than one village is concerned. Regarding the levy of a cess the Irrigation Commission of 1901–03 observe: "We should be inclined, indeed, to legalize the imposition of cess only when the Local Government were satisfied that the *kudimaramat* system would not work or when it was desired by the people concerned. . . We think also it would be a great advantage if cess funds could be administered by local panchayats for each tank or group of tanks . . . and that at any rate legislation should provide for such arrangements." The defects mentioned above have been remedied in this Bill.

17. Chapter XI treats of irrigation panchayats and boards. As already pointed out, the working of the *kudimaramat* system has been unsatisfactory in many districts of the Presidency. The existence of factions in villages, the absence of landlords, the want of co-operation among the ryots, added to the cumbrous nature of the procedure under the Madras Compulsory Labour Act of 1858, are among the principal causes which have led to its failure.

One remedy is to amend the Act as the Bill now does. A further remedy, it is thought, will be found in the development of the panchayat system. As observed by the Irrigation Commission of 1901–1903, the most satisfactory means of administering the cess that may be levied in lieu of customary labour is through panchayats.

Informal panchayats have already been formed in some villages to regulate the distribution of water, to provide for the performance of customary repairs to tanks and channels and to settle irrigation disputes. If legal force is given to the decisions of such bodies, their influence will be greatly increased. The object of the present Bill is to institute irrigation panchayats on a statutory basis.

Under the Bill irrigation panchayats may be established even in non-ryotwari areas in respect of notified irrigation works, that is, works of which control has been assumed under clause 10.

Clause 79 deals with the constitution of panchayats. The election of members is to be made by and from among occupiers of land interested in the maintenance of the irrigation work for which the panchayat is formed. The object is to exclude absentee pattadars such as vakils, sowcars, etc. Occupiers of land may or may not be residents of the village in which the land is situated. Residential qualification is not insisted on in their case as it is a very common feature that lands in one village are cultivated by the residents of the neighbouring village. This is inevitable in the case of 'becherak' (deserted) villages.

18. Chapter XII treats of jurisdictio n and procedure.

Clause 90 bars the issue of an injunction by a civil court to restrain the exercise of any of the powers conferred by the Bill upon Local Government, any person or persons or any officer. The restriction to which the jurisdiction of the civil courts is thus subjected ensures that irrigation officers shall not be hampered in the exercise of their powers for the regulation and control of irrigation works and the supply of water therefrom.

19. Chapter XIII deals with offences and penalties and intentionally provides heavier penalties for offences of a more serious nature.

Clauses 95 and 96 enable a magistrate dealing with an offence under the Act to award compensation to persons injured and to take measures to make good the injury done to irrigation or drainage works.

20. Chapter XIV contains supplementary provisions. Clause 99 makes it clear that labour may be impressed in regard to private works in an estate.

In clause 101 power is taken to make rules.

22nd January 1924. C. P. RAMASWAMI AYYAR.

(By order of His Excellency the Governor)

R. RAMACHANDRA RAO,
Secy. to Govt., Law (Legislative) Dept.

THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY.

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Bill to be introduced in the Council of the Governor of Fort St. George for the purpose of making Laws and Regulations.

Under rule 18 of the Madras Legislative Council Rules, the following Bill, together with the Statement of Objects and Reasons, is published for general information :—

BILL No. 13 OF 1922.

The Madras Irrigation Bill.

Preamble. WHEREAS it is expedient to amend the law relating to irrigation and the levy of water-cess in the Presidency of Madras ; and WHEREAS the previous sanction of the the Governor-General has been obtained to the passing of this Act ; It is hereby enacted follows :—

CHAPTER I.

PRELIMINARY.

Short title. **1.** This Act may be called the Madras Irrigation Act, 192

Extent and commencement. **2.** It extends to the whole of the Presidency of Madras and shall come into force at once.

Repeal. **3.** The Madras Compulsory Labour Act, 1858, and the Madras Irrigation Cess Act, 1865, are hereby repealed.

Definitions. **4.** In this Act, unless there is anything repugnant in the subject or context,—

"Collector." (1) "Collector" includes any officer appointed by the Local Government to exercise all or any of the powers of a Collector under this Act.

"Drainage-work." (2) "Drainage-work" includes channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels, and escape-channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion, formed or maintained by the Government, whether wholly or in part, but does not include works for the removal of sewage.

"Estate." (3) "Estate" means—

(*a*) any permanently-settled estate or temporarily-settled zamindari ;

(*b*) any portion of such permanently-settled estate or temporarily-settled zamindari which is separately registered in the office of the Collector ;

(*c*) any unsettled pālaiyam or jāgīr ;

(*d*) any inam village of which the grant has been made, confirmed or recognized by the British Government or any separated part of such village ;

(*e*) any portion, consisting of one or more villages, of any of the estates specified above in clauses (*a*), (*b*) and (*c*) which is held on a permanent under-tenure.

"Government land."

(4) "Government land" means any land not forming nor included in an estate.

"Irrigation officer."

(5) "Irrigation-officer" includes any person appointed by the Local Government to exercise all or any of the functions of an Irrigation-officer under this Act.

"Irrigation work."

(6) "Irrigation work" includes—

(*a*) all canals, channels, tanks, reservoirs and wells constructed, maintained or controlled by the Government whether wholly or in part or for the maintenance of which the Government have paid a contribution or have made an assignment of land or land-revenue, and used for the supply or storage of water;

(*b*) all works, embankments, structures, supply and escape-channels, connected with such canals, channels, tanks, reservoirs or wells;

(*c*) all lands occupied by the Government for the purpose of such canals, channels, tanks, reservoirs or wells and all buildings, machinery, fences, gates and other erections occupied by or belonging to the Government, upon such lands;

(*d*) the whole or any part of a river, stream, lake or natural collection of water or natural drainage-channel, to which the Local Government have applied the provisions of section 7 of this Act or any work of which the Government have assumed control under section 7.

(7) "Landholder" means a person owning an estate or part thereof and includes every person entitled to collect the income of the whole or any portion of the estate by virtue of any transfer from the owner or his predecessor in title or of any order of any competent court or of any provision of law

(8) "Mamul wet land" means land in an estate which is recognized by the Government as entitled to receive water from an irrigation work, free of a separate cess, for purposes of irrigation in respect of one or more crops.

(9) "Occupier" means in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour.

(10) "Owner" includes every person having a joint interest in the ownership of the thing specified; and all rights and obligations which attach to an owner under the provisions of this Act shall attach jointly and severally to all persons having such joint interest in the ownership.

(11) "Registered holder" means any person in whose name Government land is for the time being registered in the revenue accounts.

Provided that when any person other than the registered holder is in lawful management of Government land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such Government land.

(12) "Ryot" means a ryot as defined in the Madras Estates Land Act, 1908.

(13) "Village" means any local area which is now recognized by the Local Government as a village or which may hereafter be declared by the Government or subject to their control, by the Board of Revenue, to be a village for all or any of the purposes of this Act.

"Water-course."

(14) "Water-course" means any channel which is supplied with water from an irrigation work, but which is not maintained at the cost of Government, and includes all subsidiary works connected with any such channel, except the sluice or outlet through which water is supplied to such channel.

Power to appoint officers.

5. The Local Government, or subject to such rules as may be made under this Act, any officer of Government whom the Local Government empower in this behalf, may declare, by notification, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

CHAPTER II.

Of General Rights and the Assumption of Control of Works for Public Purposes.

Right of Government to regulate flow from natural rivers and streams, etc.

6. Subject to the provisons of this Act the Government are hereby declared to have the paramount right to regulate at their discretion for purposes of irrigation or drainage the collection, retention and distribution of the water of any

channel, or of any natural drainage-channel, or of any lake or other natural collection of water, or of the water collected, retained or distributed in or by any tank, reservoir, channel or other work constructed, maintained or controlled by the Government.

7. Whenever it appears expedient to the Local Government that the said paramount right should be exercised in respect of the water of any river or stream, or of part of any river or stream, or of any natural drainage-channel, or of any lake or other natural collection of water, for the purpose of existing or projected irrigation or drainage,

or whenever it appears expedient to the Local Government for the regulation or improvement of the flow of water to or from any existing or projected irrigation or drainage work, that the Government should assume control over any work constructed or used for the purpose of irrigation or drainage or for the protection of lands from inundation, such work not having been constructed or maintained or controlled by the Government,

the Local Government may, by notification, declare that the said right will be so exercised or the said control assumed, after a day to be named in the said notification not being earlier than four months from the date thereof, unless good cause be shown to its satisfaction within two months from the date of the notification by any person interested why such action should not be taken. Such notification shall be published in the *Fort St. George Gazette* and in such other manner as the Local Government may, by rule, direct.

8. After the issue of a notification under section 7 no person shall construct, restore, remove or alter any dam, weir, embankment, sluice, channel, or other work in connexion with such water or work without the sanction of the District Collector and no right to any supply of water from any such river, stream, natural drainage-channel, lake or other natural collection of water or from or through such work shall, as against Government, be deemed to exist or be acquired or be deemed to have been acquired except to the extent to which such water has been appropriated prior to the issue of the notification or except by grant made subsequent thereto.

Explanation.—The water of a river, stream, lake or natural collection of water or natural drainage-channel shall be deemed to have been appropriated where such water is supplied directly to a defined artificial channel above ground for purposes of irrigation, such channel not being one constructed, or maintained or controlled by the Government. The extent of such appropriation shall be determined with reference to the size of the channel and the nature and extent of the sluices and weirs governing the amount of water which enters the channel.

Powers of Local Government after notification.

9. If no such cause be shown as is mentioned in section 7, within the prescribed time, the Local Government may proceed to exercise the said right or assume the said control, and may exercise in respect of the said water or work any or all of the powers conferred by this Act.

The Provisions of Chapter VII of the Madras Estates Land Act, 1908, shall cease to apply to such water or work with effect from the date of notification under section 7.

Powers of Local Government.

10. Any notification issued under section 7 may in like manner be rescinded, revoked, or modified by the Local Government.

CHAPTER III.

Of the Control and Supply of Water and of Works generally.

In the absence of contract, water-supply to be subject to rules made by Government.

11. In the absence of a contract or so far as any such contract does not extend, all water supplied from an irrigation work, whether such supply was first made before or after the commencement of this Act, shall be deemed to be given subject to payment of water-cess at the rates prescribed by rules made by the Local Government under section 99 in respect thereof and subject to such other conditions as may be prescribed by such rules and to the provisions of the next succeeding section.

Powers of Government to control water-supply and works.

12. (1) The Local Government shall have the power, after publishing an order to that effect,

(*a*) to change the irrigation work from which water is supplied;

(*b*) to close, remove, construct, repair, alter or add to any irrigation or drainage work, or to stop or reduce a supply of water from any irrigation work;

(*c*) to take any other measures they may consider necessary in order to control the distribution and to regulate the flow of water from any irrigation or drainage work.

(2) No right to receive a supply of water from any particular irrigation-work shall be, or be deemed to have been, acquired against the Government under any custom or contract.

(3) The irrigation-officer in charge of any irrigation work shall have power to stop the supply of water to any water-course or to any person in the following cases for so long as he deems necessary :—

(i) whenever such stoppage is necessary for the purpose of—

(*a*) executing any work ordered by the Local Government or by any irrigation-officer duly empowered in this behalf ;

(*b*) supplying in rotation the reasonable requirements of persons entitled to a supply of water.

(ii) whenever a water-course is not maintained in such order as to prevent waste of water.

13. Any irrigation-officer, and any person acting under the special order of an irrigation-officer, may enter upon any lands adjacent to, or in the neighbourhood of, any irrigation or drainage work or through which any irrigation or drainage work is proposed to be made, and undertake surveys or levels thereon ;

and dig and bore into the sub-soil ;

and make and set up suitable land-marks, level-marks and water-gauges ;

and do all other acts necessary for the prosecution of any inquiry relating to any existing or projected irrigation or drainage work under the charge of the said irrigation-officer ;

and where such inquiry cannot otherwise be completed, the irrigation-officer or such other person may cut down and clear away any part of any standing crop, fence or jungle.

14. In case of any accident happening or being apprehended to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the use of water, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of an irrigation or drainage work, any irrigation-officer, or any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such accident or for constructing any new work in case of urgency or for the inspection or regulation of the use of water or for the regulation, maintenance or management of the irrigation or drainage work.

Power to enter for measuring land.

15. Any irrigation-officer, or any person acting under his general or special orders in this behalf, may also at any time enter upon any land irrigated by any irrigation or drainage work for the purpose of measuring such land.

Power to enter for depositing or obtaining materials.

16. Any irrigation-officer, and any person acting under his special orders in this behalf, may, within such distance from any irrigation or drainage work as the Local Government may, by rule, prescribe, enter upon any land for the purpose of—

(*a*) depositing upon it soil or other things taken from such work or materials required for use on such work ; or

(*b*) obtaining from it earth, stone or other material for repairing or altering such work.

Notice of intended entry on land or into building or enclosed place.

17. If any irrigation-officer or other person, in the exercise of powers conferred under this chapter, proposes to enter, otherwise than with the consent of the occupier, on any land or into any building or enclosed court or garden attached to a dwelling-house into which the water does not flow from any irrigation work, he shall previously give the occupier of such land, building, court or garden reasonable notice in writing of his intention to do so. Provided that no such notice shall be necessary for entry on land in an emergency.

Power to recover cost of repairing damage to works from occupiers of lands benefited.

18. If any damage, alteration, enlargement or obstruction to any irrigation or drainage work is unauthorizedly caused by any person, and if such person cannot, after such inquiry as the Collector may deem sufficient, be ascertained or identified, the Collector may, after notice to the occupiers of all lands which have

in his opinion benefited by such damage, alteration, enlargement or obstruction, and after hearing any representations which they may desire to make or after the expiry of such time for the submission of representations as he may deem sufficient, recover from such occupiers the cost of repairing such damage or of removing such alteration, enlargement or obstruction. An appeal shall lie from every order of a Collector under this section to the District Collector, whose decision shall be final.

Power to levy contribution towards cost of repairing irrigation works serving partly estate and partly Government land.

19. If any irrigation work serves partly land in an estate and partly Government land, and requires repair, the Collector may, after giving notice to the landholder of the estimated cost of the repair and giving him an opportunity to urge his objections, if any, execute the repair, and the charges incurred in the execution of such repair shall, in the absence of any subsisting agreement to the contrary, be divided between the Government and the landholder in proportion to the extent of Government and estate land under the said irrigation work.

Provided that any area in respect of which cess is chargeable under section 34 shall be excluded in making such division of the cost of repairs.

CHAPTER IV.

Of Water-courses.

20. Any person desiring the construction of a water-course may apply in writing to the irrigation-officer requesting him to construct the water-course, and to do all things necessary for such construction at the cost of the applicant.

21. If the irrigation-officer considers that the construction of such water-course is expedient, he may call upon the applicant to make such deposit as he considers necessary to cover the cost of the preliminary proceedings and the amount of the compensation if any likely to become payable, and upon such deposit being made, he shall cause inquiry to be made into the most suitable alignment for the said water-course, and shall cause to be marked out the land which, in his opinion, will be necessary for the construction thereof, and shall forthwith publish a notice in every village through which the water-course is proposed to be taken that so much of such land as belongs to such village has been so marked out, and shall send a copy of such notice to the Collector of every district in which such land is situate for publication in the district gazette.

The said notice shall also call upon any person who wishes to receive a supply of water through such water-course to make his application in that respect to the irrigation-officer within thirty days of the publication of such notice. If any such applicant appears, and his application is admitted, he shall be liable to pay his share in the construction of such water-course, and in the cost of acquiring the land for the same.

When the preliminary proceedings are completed an estimate of the cost shall be furnished to the applicant by the irrigation-officer. Such cost shall include the cost of works, if any, to be constructed for the passage, across the water-course, of water-courses already existing and of the drainage which it may intercept, and for affording proper communications across it.

22. Within thirty days from the publication in the district gazette of the notice referred to in section 21, any person likely to be affected by the construction of the proposed water-course or interested in the land on which it is proposed to construct such water-course may apply to the District Collector by petition stating his objection to the proposed construction. The District Collector shall inquire into the objection after giving previous notice to the irrigation-officer of the time and place at which such inquiry will be held.

Where the proposed water-course is intended to pass through more districts than one, the Collector of the district in which the head of the proposed water-course will be situated shall be the District Collector for the purposes of this section.

The District Collector shall record in writing all orders passed by him under this section and the grounds thereof.

23. If no objection is made or the objections, if any, are disallowed, the District Collector shall inform the irrigation-officer of the same and proceed, if necessary, to acquire the land required for the water-course under the provisions of the Land Acquisition Act, 1894, as if

a declaration had been issued by the Government for the acquisition thereof under section 6 of that Act, and as if the Government had thereupon directed the Collector to take order for the acquisition of such land under section 7 of the said Act, and (if necessary) as if the Government had issued orders for summary possession being taken under section 17 of the said Act.

If the District Collector considers any objection to be valid, he shall inform the irrigation-officer accordingly, and the latter may, if he sees fit, alter the alignment of the proposed water-course, and the District Collector shall, after notice to the persons likely to be affected by the alteration, decide whether or not such water-course shall be constructed.

24. Where the lands to be acquired, if any, are situate in different districts, the acquisition shall be made by the Collectors of the several districts in which the lands may lie.

25. When the land has been acquired, or provided by the applicant or applicants the irrigation-officer shall either permit the applicant or applicants to construct the said water-course, or shall himself construct it. Provided that no applicant shall be permitted to construct a water-course until he has paid any sum which may be due on account of the acquisition of the said land.

If the irrigation-officer shall himself construct such water-course, he shall, on its completion, give to the applicant under section 20 and to the applicant, if any, under section 21 notice thereof, and also make a demand of any sum payable by him or them on account of the cost of acquiring the land and constructing the water-course.

Notwithstanding anything contained in the foregoing provisions, it shall be open to any applicant to withdraw his application before the work of construction is commenced, if he considers the cost of acquisition or the cost of the work excessive. The irrigation-officer may at any time withdraw from any work but shall, before doing so, record his reasons in writing.

26. When any applicant is, under the last preceding section, permitted to construct a water-course, the following conditions shall be binding on him and his representatives in interest:—

First.—The water-course and all works necessary for the passage, across such water-course, or water-courses existing previous to its construction and of the drainage intercepted by it, and for affording proper communications across it shall be constructed by the applicant, and be maintained by him to the satisfaction of the irrigation-officer.

Second.—Land acquired for the purpose of constructing a water-course under the provisions of section 23 shall be used only for such purpose.

Third.—The proposed water-course shall be completed to the satisfaction of the irrigation-officer within one year after the applicant has been given permission to construct it. Provided that the irrigation-officer may, in his discretion, extend this period.

If any of the conditions prescribed by this section are not complied with, the right of the applicant or of his representative in interest to receive a supply of water through such water-course may be put an end to by the irrigation-officer without prejudice to the exercise of the power conferred by section 33 and no compensation shall be payable for the termination of such right.

Applications for extensions and alterations.

27. The procedure provided in sections 20 to 26 shall apply to any application for the extension, improvement or alteration of a water-course.

Power to enter upon lands to construct water-courses.

28. (1) Any irrigation-officer empowered in this behalf, and any person acting under the special orders of such irrigation-officer, may himself construct such water-courses as he may deem necessary including works necessary for the passage, across such water-courses, of water-courses already existing and of the drainage intercepted by them and for affording proper communications across them or may extend, improve or alter any existing water-course or work.

(2) In such cases he shall follow as far as may be the procedure prescribed in sections 21 to 24 before he proceeds to construct new water-courses or extend, alter or improve existing ones.

Provided that sub-section (2) shall not apply to any measures taken for the alignment, construction, extension, alteration or improvement of a water-course supplied or proposed to be supplied from a Government channel connected with an irrigation work

during the construction of the channel or within three years after it has been opened for irrigation.

The District Collector may acquire the land required for any such water-course in the manner laid down in section 23 as if no objection had been made to the alignment.

Cost of constructing water-courses by Government to be apportioned among owners or occupiers of lands.

29. The Collector may order the recovery of the cost of constructing, extending, altering or improving any water-course under section 28, including the amount of any compensation payable or that may have been paid for this purpose and the cost of constructing works necessary for the passage, across such water-course, of water-courses existing previous to its construction and of the drainage intercepted by it, and for affording proper communications across it, in proportion to the area of land supplied with water from such water-course, from the owners or occupiers of such land.

Any order passed by a Collector under this section shall be subject to appeal to the Board of Revenue, whose decision shall be final.

Supply of water on application through existing water-course.

30. Any person desiring to receive a supply of water through an existing water-course to which he was not entitled before may apply to the irrigation-officer. If it appears to the irrigation-officer expedient that such supply should be given and that it should be conveyed through such water-course, he shall serve notice on the owners or occupiers of the land supplied with water from such water-course requiring them to show cause, on a day not less than fifteen days from the service of such notice, why the said supply should not be so conveyed; and, after making inquiry, the irrigation-officer shall make an order determining whether, and on what conditions, the said supply shall be conveyed through such water-course, and such order shall be binding on the applicant and on such owners or occupiers.

An appeal shall lie from any order made by the irrigation-officer under this section to the District Collector, whose decision shall be final.

The applicant shall not be entitled to a supply of water by reason of any order made under this section until he has complied with the conditions, if any, imposed by the irrigation-officer and until he has paid the expense of any alteration of such water-course that may be necessary to his being supplied through it.

Alteration of water-courses prohibited.

31. No water-course constructed, extended or improved under the provisions of sections 25, 28 and 30 may be altered without the consent of the irrigation-officer.

Obligations of owners or occupiers of land receiving supply from a water-course.

32. Every owner or occupier of land which receives a supply of water through a water-course shall be bound—

(*a*) to maintain all works necessary for the passage across such water-course of any public road or irrigation or drainage work in use at the time of its construction, and of the drainage intercepted by it, and for affording proper communications across it;

(*b*) to maintain such water-course in a fit state of repair.

In default, the right to supply of water through the water-course may be put an end to by the irrigation-officer without prejudice to the exercise of the power conferred by section 33 and no compensation shall be payable for the termination of such right.

33. If any of the conditions or obligations imposed by sections 25, 26 or 32, is not fulfilled, any irrigation-officer duly empowered in this behalf may require the defaulter by notice in writing to execute the necessary work or repair within a period to be prescribed in such notice of not less than fifteen days, and in the case of failure, may execute the same on his behalf, and all expenses incurred in the execution of such work or repair shall be recoverable from the defaulter. Where there are a number of persons in default, such recovery shall be made in proportion to the area of land held by each of them under the water-course in question.

CHAPTER V.

Of Water-cess.

34. It shall be lawful to the Government to levy a cess upon all land to which water is supplied or upon which water is used for purposes of irrigation from any irrigation or drainage work.

Water from an irrigation or drainage work shall be deemed to be used for purposes of irrigation, whenever such water, by direct or indirect flow, or by percolation, leakage or drainage, from or

through adjoining land, irrigates any land under cultivation, or flows into a reservoir or channel and is thereafter used for irrigating such land and is in the opinion of the Collector, beneficial to the crop on such land.

Provided that no such cess shall be levied

(*a*) on Government land registered as wet unless such land being registered as single crop wet land, is cultivated with two or more irrigated crops,

(*b*) upon mamul wet land except for water supplied or used for more than the number of crops recognized by Government as entitled to water free of cess.

Notwithstanding anything contained in this proviso the Local Government, subject to such rules as may be framed in this behalf, may levy enhanced assessment upon Government land classified and registered as wet in the revenue accounts and a charge for water upon mamul wet land, whenever the supply of water is enlarged or otherwise improved by the Government.

The Government may prescribe from time to time the rules under which and the rates at which cess shall be levied under this section and different rates for different irrigation or drainage works or different areas may be prescribed.

A cess due under this section shall be leviable at any time before the end of the revenue year succeeding that in which irrigation takes place, and the revenue year shall be the year ending on the 30th June or on such other date as may be prescribed by the Local Government.

35. (1) In the case of land included in an estate, the cess due under this Act shall, notwithstanding anything contained in the Madras Revenue Recovery Act, 1864, be leviable in accordance with such rules as the Government may, after previous publication, prescribe in that behalf—

(*a*) from the landholder, or

(*b*) from the ryot, or

(*c*) partly from one and partly from the other.

(2) The amount payable by a landholder or a ryot under this Act shall be a first charge upon his interest in the land.

(3) Nothing contained in this section shall affect the rights and liabilities of the landholder and the ryot *inter se* under any contract, express or implied, in regard to the payment of water-cess.

36. No civil court shall take cognizance of any suit or application questioning the rate of water-cess levied under this Act.

CHAPTER VI.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION-WORKS ON SPECIAL TERMS.

Preliminary order of Government.

37. Whenever it appears to the Local Government that the construction, improvement or maintenance of an irrigation-work in any local area is not likely to be remunerative unless on the lands irrigable by such work payment of water-cess at a certain specified rate is guaranteed, the Local Government may direct the Collector or any other person to make inquiry whether it is desirable to undertake the construction, improvement or maintenance of the work.

Publication of notice of inquiry.

38. The Collector or other person appointed to make the inquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the date of such publication) on which the inquiry will be held. The notice shall set forth the general scheme of the proposed construction, improvement or maintenance, an estimate of the capital or recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rate at which it is proposed to levy water-cess in respect of the land within the benefited area, and shall invite the holders of such land to submit any objections or suggestions that they may desire to make on or before a date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the inquiry.

Explanation.—In this chapter the expression 'holders of land' means (1) registered holders, (2) ryots and (3) in respect of land which is private land as defined in the Madras Estates Land Act, 1908, the landholder of the estate in which such land is situate.

Implied consent of owner.

39. Every holder of land within the benefited area who fails within the period allowed by the notice to submit any objection or suggestion in the manner prescribed shall be deemed to have given his consent to the proposed scheme.

Inquiry and report by the Collector.

40. If the Collector or other person appointed to make the inquiry, after

considering any objections or suggestions duly submitted and evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area consent to such construction, improvement or maintenance and to the payment of the proposed water-cess, he shall embody his proceedings in a report to be submitted to the Local Government and shall also forward a statement of objections and suggestions presented to him with any remarks that he may desire to make in respect of them.

Government may abandon or proceed with the scheme.

41. Upon receipt of the report referred to in the previous section the Local Government may, after such further inquiry, if any, as may appear to them necessary either abandon the scheme or proceed with it in its original form or with such modifications as they may consider necessary; provided that, where the modifications involve a substantial increase in the benefited area or in the water-cess to be imposed, the provisions of sections 38 to 40 shall apply to the altered scheme.

Publication of the scheme as approved by Government.

42. (1) The scheme as finally approved by the Local Government shall be published in the official gazette of the district concerned and it shall embody the following particulars:—

(*a*) a specification of the work which it is proposed to construct, improve or maintain and an estimate of the capital or recurring expenditure involved thereby;

(*b*) the estimated time required for the completion of the work;

(*c*) a description of the benefited area;

(*d*) the rate at which water-cess will be imposed on the land in the benefited area, such rate being liable to periodical revision at intervals of not less than ten years each; and

(*e*) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(2) The publication under sub-section (1) of a scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained and that the scheme will benefit the area specified therein.

Modification of approved scheme or substitution of a new scheme.

43. (1) The Local Government may from time to time modify any approved scheme notified under section 42 or substitute another scheme in its stead, and the provisions of this Act applicable to a scheme notified under section 42 shall thereafter be applicable to any scheme so modified or substituted.

(2) Provided that any consent, publication or other thing required by this Act in respect of a scheme shall be necessary also in respect of the modification of a scheme or the substitution of a new scheme for an existing one.

Levy of water-cess on lands within the benefited area.

44. After the scheme has been carried out the Collector may, subject to the control of the Board of Revenue and the Local Government and subject to such rules as may be prescribed by the Local Government, levy from the holders of land within the benefited area, water-cess at the rate prescribed in section 42:

Provided that the Collector may exempt from charge any land in the benefited area on the ground that it is unable to derive any benefit from the irrigation-work.

Exclusion of jurisdiction of ordinary courts.

45. No objection shall be taken to the rate of water-cess nor shall the liability of any person to pay the cess be questioned in any civil court:

Provided that nothing in this section shall prevent any person from obtaining a declaration in the civil court that he is not liable to pay such cess on the ground that he is not the holder of the land in respect of which the charge has been made and the Collector shall be bound by such declaration.

CHAPTER VII.

Of the Determination and Localization of Mamul Wet Lands.

Determination of mamul wet land.

46. (1) The extent of mamul wet land under an irrigation work shall be the largest area irrigated from such work, free of a separate cess for water, in any one year between the date of permanent settlement or inam settlement as the case may be and

(*a*) in the case of an irrigation-work falling under sub-section 6 (*d*) of section 4, the date of the issue of notification under section 7;

(*b*) in the case of any other irrigation-work the date of passing this Act.

(2) The extent of mamul wet land shall be settled by the Collector, subject to the control of the Board of Revenue

and the Government. Where the settlement is not accepted by the landholder the Collector shall refer the matter to the civil court.

(3) Nothing contained in this section shall be deemed to affect any settlement of mamul wet made prior to 1st May 1917 in respect of which no suit or appeal was pending on that date. Such settlement shall be final notwithstanding any decree of a civil court subsequently obtained.

47. (1) Mamul wet land may be localized in accordance with rules framed by the Local Government in this behalf and any such localization made before the passing of this Act shall have the same effect as if it had been made under this Act.

(2) No civil court shall take cognizance of any suit filed to contest any localization made either before or after the passing of this Act.

CHAPTER VIII.

Of the Award of Compensation.

48. Except as otherwise provided in this Act and subject to the provisions hereinafter contained, compensation shall be awarded in respect of damage caused by the exercise of the powers conferred by this Act.

Provided that—

(1) No claim for compensation for any damage shall be entertained after the expiration of one year from the date of the exercise of any power conferred by this Act in respect of which compensation is claimed, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

(2) No compensation shall be awarded for any loss or damage sustained in consequence of—

(*a*) the stoppage or diminution of a supply of water from an irrigation work when such supply has been received or derived for the first time after the passing of this Act;

(*b*) the stoppage or diminution of a supply of water for irrigation to any Government land registered as wet in the public accounts when such land has not been irrigated at any time within five years immediately preceding such stoppage or diminution; or to any land registered as dry in the public accounts; or where no public accounts are maintained to any land which shall not have been regularly irrigated for the ten years immediately preceding such stoppage or diminution;

(*c*) the stoppage, diminution or increase of a supply of water due to causes beyond the control of Government; or due to omission to repair or render effective any irrigation or drainage work;

(*d*) the stoppage, diminution or increase of a supply of water for the period necessary to the execution of repairs to any irrigation or drainage work;

(*e*) the temporary stoppage or diminution of a supply of water within periods fixed from time to time by the Local Government of which due notice has been given;

(*f*) the stoppage, diminution or increase of a supply of water whenever and for so long as is necessary to meet in rotation the reasonable requirements of persons entitled to water for irrigation;

(*g*) the stoppage or diminution of a supply of water to any water-course not maintained in such proper customary repair as to prevent the wasteful escape of water therefrom;

(*h*) the stoppage or diminution of flood water or of a supply of surface water not flowing in a stream and not permanently collected in a pool, tank or otherwise or of underground water not passing in a defined channel;

(*i*) the stoppage of navigation or of the means of floating timber or of watering cattle.

(*j*) deprivation of silt or diminution of the fertilizing properties of water.

49. In every case of entry under sections 13, 14, 15, 16 or 28 the irrigation-officer or other person making such entry shall ascertain and record the extent of the damage, if any, caused by the entry or by anything done under the above sections, and within one month from the date of such entry compensation shall be tendered by the irrigation-officer to the landholder or the owner of the property damaged. In case of dispute as to the extent of the damage or the sufficiency of the amount tendered, he shall forthwith refer the dispute to the Collector.

The Collector shall make inquiry as to the matters in dispute and decide the amount of the compensation.

Against the decision of the Collector an appeal shall lie to the District Collector within thirty days of the date of the decision. The order of the District Collector shall be final.

50. Subject to the provisions of section 49 and save as otherwise provided, all claims to compensation for any damage sustained by reason of the exercise of any of the powers conferred by this Act shall be preferred to the Collector having jurisdiction over the local area wherein the land in respect of which compensation is claimed is situate.

Collector to determine the amount of compensation.

51. The Collector shall inquire into all claims under the preceding section and determine the amount of the compensation, if any, which should be awarded.

Reference to Civil Court in certain cases.

52. In cases where a temporary stoppage or diminution of a supply of water has been ordered under circumstances entitling a person to compensation under the provisions of this Act, if the compensation awarded by the Collector is not accepted by the claimant, the Collector shall refer the matter for the decision of the Civil Court except as hereinafter provided.

Procedure to be followed in inquiries.

53. Except in cases falling under sections 49 and 52 of this Act, the provisions of sections 9 to 14 (inclusive), 18 to 22 (inclusive), 26 to 34 (inclusive), 45, 51 to 55 (inclusive) of the Land Acquisition Act, 1894, shall, as far as may be, and except in so far as a contrary intention is expressed in this Act, apply to all inquiries into claims for compensation for damages resulting from the exercise of the powers conferred by this Act.

Minor claims to be finally decided by District Collector.

54. Where the amount of a claim does not exceed Rs. 1,000 all references under section 52 or 53 in respect of such claim shall lie to the District Collector instead of to the Civil Court and the decision of the District Collector shall be final.

Compensation how to be determined.

55. (1) In determining the amount of compensation to be awarded in inquiries made under section 53, regard may be had among other considerations to the diminution in the market-value, at the time of awarding compensation, of the property in respect of which compensation is claimed, and where the diminution in the market-value is not ascertainable, the amount shall be reckoned at fifteen times the amount of the diminution of the annual net profits of such property caused by the exercise of the powers conferred by this Act.

(2) Where compensation is claimed by a landholder on account of deprivation of the right of effecting future improvements in the irrigation of any land in his estate, from an irrigation-work falling under sub-section 6 (*d*) of section 4, regard shall be had to the following among other considerations in determining the amount to be awarded :–

(*a*) the extent and nature of improvements that are capable of being effected in respect of such land without exceeding the supply appropriated prior to the date of issue of the notification under section 7 ;

(*b*) the cost of such improvements ;

(*c*) the cost of preparation required for utilizing the improvements ; and

(*d*) the additional value which the land would acquire by the improvements.

Provided that no such claim shall be admissible where the irrigation-work is a river or stream flowing in a natural channel, or a natural drainage channel, or a lake or other natural collection of water, unless the estate in which the land is situate abuts on or is adjacent or subjacent to such irrigation-work and the land is riparian land.

(3) In cases where compensation has been awarded for any damage caused by the construction, extension, improvement or alteration of a water-course or the conveyance of water through an existing water-course under sections 20 to 27 and 30, the amount of such compensation shall be recoverable by the Government as an arrear of land-revenue from the persons for whose benefit action has been taken under those sections.

Special forms of compensation for land required under the Act.

56. (1) When any land or the use thereof is required for the purpose of any irrigation or drainage work, either temporarily or permanently, the Collector may—

(*a*) with the consent of the person entitled to compensation, direct that, subject to the use of the land by the Government, so long as it may be required for the purpose of such irrigation or drainage work, the rights to the land and the enjoyment thereof in any manner not inconsistent with such

use shall remain with the person so entitled, compensation being awarded only in respect of the user by Government, or

(*b*) with the consent of the person entitled to compensation and subject to the general or special sanction of the Local Government, confer on the person so entitled, in lieu of or as part of any compensation, a right to a supply of water from such irrigation-work.

(2) Subject to the conditions of any award or order made under sub-section (1), clause (*a*) or (*b*) of this section, the person entitled to the land may, if it has been occupied for the purpose of any irrigation or drainage work for a period exceeding three years, request the Collector to make a complete acquisition of the land under the Land Acquisition Act, 1894, and the land shall be acquired accordingly.

CHAPTER IX.

Of obtaining Labour and Materials on Emergencies.

57. (1) Whenever it appears to an irrigation-officer that unless some work or repair is immediately executed such serious damage will happen to any irrigation or drainage work as to cause sudden and extensive public injury,

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance or work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

it shall be lawful for such officer to require the headman or headmen of the village or villages in the vicinity to call upon all or any of the able-bodied male persons who reside or hold land in the vicinity of the locality where such repair, clearance or work has to be executed to assist in the execution of such repair, clearance or work by labouring thereat as such officer or any person authorized by him in this behalf may direct.

(2) Such officer or any person authorized by him in this behalf may also enter into and upon any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such repair, clearance or work.

(3) Every person authorised as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Punishment for refusing or neglecting to comply with requisition.

58. Any adult male person being duly called upon by the head of his village to labour as aforesaid, who shall refuse or neglect to comply with such call without any lawful excuse shall, on conviction before a magistrate, be punished with a fine which may extend to one hundred rupees, or with simple imprisonment which may extend to one month, or with both.

Payment for labour impressed and materials taken.

59. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 57 or whose materials may be taken under that section shall, as soon as may be reasonably practicable, be paid by the irrigation-officer for their labour and detention or for such materials at the highest market rates for similar labour or materials for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night they shall be paid at double such rates.

Compensation for damage done in taking materials.

60. Whenever as a result of the removal under section 57 of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the irrigation-officer shall pay to such person a reasonable amount of compensation for such damage.

Disputes regarding amount payable to be referred to Collector.

61. Any dispute arising between the irrigation-officer and any person as to the amount to be paid to such person under section 59 or section 60 may be referred by either party to the Collector whose decision thereon shall be final.

CHAPTER X.

Of Customary Labour.

Works on which customary labour is enforceable.

62. (1) The provisions of this chapter apply to the following irrigation and drainage works:—

(*a*) all river and spring channels;

(*b*) all tanks;

(*c*) all supply and escape channels connected with tanks; and

(*d*) any other irrigation or drainage work in respect of which the Local Government may, by notification, declare that it is customary to perform unpaid labour.

(2) It shall be lawful for the Local Government by an order to declare, in respect of all or any of the aforesaid works in any locality, that the customary labour referred to in section 63 need not be performed either wholly or in part. Such order may at any time be cancelled or modified by the Local Government.

Kudimaramat work defined. Persons who are bound to perform it.

63. Every occupier of land irrigated or drained by any irrigation or drainage work shall perform in respect of such work without payment the following customary labour hereinafter called kudimaramat work—

(*a*) filling up gullies, cracks, ruts and holes;

(*b*) removing prickly-pear, wild croton, bushes and other rank growth or pernicious weed;

(*c*) clearing away such underwood as may be considered by the irrigation-officer to be injurious;

(*d*) clearing sand or silt from sluices and channels;

(*e*) replacing stones which have been displaced from unmortared revetments, dams, calingulas and bye-washes;

(*f*) keeping clear the spaces between the upright stones of calingulas except in so far as the temporary filling up of such spaces has been permitted by the irrigation-officer; and

(*g*) any other work which the Local Government may by notification declare to be customary labour in respect of any specified locality.

Explanation.—All land forming part of the registered or recognized ayacut of an irrigation-work shall be deemed to be land irrigated by such work within the meaning of this section.

Headman responsible for due performance of kudimaramat work.

64. It shall be the duty of every village headman to see that the kudimaramat work in respect of any irrigation or drainage work situated in the village or villages in his charge is duly performed.

Headman to report where kudimaramat work is neglected.

65. If such work is neglected, the headman shall report the matter to the irrigation-officer who shall call upon the headman or headmen of the village or villages in which the persons bound to do the work ordinarily reside or the land occupied by them is situate to require such persons by beat of tom-tom to carry out the work by a certain date. If the requisition be not complied with the irrigation-officer may cause the work to be done by hired labour.

Labour may be hired on behalf of recusant occupier.

66. If during the execution of kudimaramat work any person who is bound to contribute labour towards such work neglects or refuses to do so, the village headman may employ hired labourers for the performance of the labour which such person is bound to contribute.

Share of customary labour to be contributed by each occupier of land or by each village.

67. The labour which each occupier of land is bound to contribute towards the performance of kudimaramat work and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village shall be determined in accordance with rules framed by the Local Government.

Liability of person refusing to contribute labour.

68. Whenever any person who is bound to contribute labour towards the performance of kudimaramat work neglects or refuses without sufficient and reasonable cause so to contribute, the irrigation-officer may levy from such person a sum not exceeding four times the value of the labour which such person is bound to contribute.

Against the order of the irrigation-officer an appeal shall lie, within thirty days of the date of the order, to the Collector whose decision shall be final.

Power to levy cess in lieu of compulsory labour.

69. (1) In respect of any irrigation or drainage work the Local Government may, in lieu of enforcing customary labour, levy an annual cess from the persons who are bound to contribute such labour, whenever a majority of such persons so desire or the Local Government consider it expedient.

The cess shall be determined and administered in accordance with rules framed by the Local Government.

(2) The Local Government may at any time abolish the imposition of the cess; and on such abolition the liability to perform customary labour shall revive.

Jurisdiction of civil courts barred.

70. No civil court shall take cognizance of any suit filed in respect of any matter dealt with in this chapter.

CHAPTER XI.

Of Irrigation Panchayats and Boards.

Constitution of an irrigation panchayat.

71. Subject to such general or special rules as the Governor in Council may make in this behalf, the District Collector may, when he is satisfied that a substantial demand exists, constitute an irrigation panchayat for a village or for an individual irrigation work or part of such work.

Such panchayat shall consist of the village headman, who shall be a member ex-officio, and of not more than nine and not less than three other members who shall be elected in accordance with rules made under this Act, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office as soon as he ceases to possess the aforesaid qualification.

72. Subject to such general or special rules as the Local Government may make in this behalf the District Collector may constitute an irrigation board consisting of two or more panchayats or delegates therefrom in respect of an irrigation work irrigating more than one village.

The appointment of delegates to irrigation boards shall be made in accordance with rules framed under this Act and every delegate shall hold his office only for such time as he continues to be a member of the panchayat of which he is the delegate.

73. (1) Subject to such rules as the Local Government may make in this behalf, the panchayat or board may (*a*) elect a president from among themselves and (*b*) frame by-laws for the conduct of its business.

(2) The provisions of the following sections as regards panchayats shall also apply as far as possible to irrigation boards.

Powers and duties of panchayats in respect of irrigation works placed under their control.

74. (1) On the constitution of an irrigation panchayat under section 71 the District Collector may place any irrigation work or any portion thereof which he considers suitable for management by a panchayat, under the control of the panchayat, subject to the condition that the panchayat shall maintain such work to the satisfaction of the Collector and subject also to such other conditions as may be prescribed by any rules framed by the Local Government in this behalf.

(2) Subject to the rules mentioned in clause (1) and to any further rule that may be framed by the District Collector in this behalf, a panchayat appointed under section 71 shall have power—

(*a*) to exercise, in respect of the irrigation-work under its control, all the functions of an irrigation-officer under this Act in regard to impressing labour and obtaining materials on emergencies and demanding and enforcing customary labour;

(*b*) to recover and administer the cess levied under section 69 in respect of the irrigation-work under its control;

(*c*) where no cess is levied under section 69 to levy in lieu of kudimaramat work, either wholly or in part, a cess at a rate not exceeding the rate which the Local Government may by rule prescribe;

(*d*) to regulate in respect of any irrigation work under its control the manner and the order in which the lands in the village under that work shall be irrigated, the time of the commencement of the issue of water, the period up to which the supply of water shall continue and the quantity to be let out;

(*e*) to take such other steps as may be necessary in order to secure the proper maintenance of any irrigation-work entrusted to its control and the due utilization of the water contained therein; and

(*f*) generally to exercise, in respect of any irrigation work entrusted to its control, such of the powers vested in the Government as may be delegated to it by the Government by a general or

Against an order of the panchayat levying a cess under clause (*c*) of this sub-section an appeal shall lie to the Collector whose decision shall be final.

Publication of by-laws.

75. Any panchayat constituted under section 71 may frame such by-laws as it may deem expedient for the purposes set out in the last preceding section and shall publish such by-laws in the village in such manner as the Local Government may direct.

Penalty for irrigation in contravention of by-laws.

76. (1) Any person who, in contravention of the by-laws framed and published by the panchayat under the preceding section, irrigates any land from any irrigation-work under the control of that panchayat shall be liable to pay, by order of the panchayat, a penalty not exceeding Rs. 20 per acre for such land on each occasion of such irrigation, and the panchayat may stop the supply of water to such land until the penalty is paid or recover such penalty from such person as an arrear of land revenue.

(2) Such penalty shall be levied without prejudice to the imposition of enhanced water-cess under section 96 of this Act provided that such enhanced water-cess shall be reduced by the amount of any penalty which may have been imposed and collected by the panchayat under sub-clause (1) of this section.

(3) Against an order of the panchayat under sub-section (1) an appeal shall lie to the Collector within thirty days, but only on the ground that the order or the by-law on which it is based is contrary to the orders passed by an irrigation-officer or to any turns or agreement recognized by such officer or that it is contrary to law.

(4) No civil court may take cognizance of any suit relating to any order of a panchayat imposing a penalty or stopping water except on the ground that the order or by-law is contrary to law or a decree of a civil court.

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77. (1) Whenever a panchayat is satisfied that the supply of water to an irrigation tank placed under its control is being materially diminished by the retention upon land in the village of surface water not flowing in a defined channel and not permanently collected in a pool or tank, the panchayat may, by notification, call upon all persons concerned to show cause by a date specified in such notification why the retention of such water should not be prohibited. The notification shall be proclaimed by beat of tom-tom in the village in which the land is situate. If cause be not shown to its satisfaction, the panchayat may, by a further notification similarly published and subject to such rules as may be framed by the Local Government in this behalf, prohibit the retention of such water on such land and the construction of any works for the purpose of such retention.

Provided that where such land is situate outside the village for which the panchayat is constituted or in which the irrigation tank is situate, the panchayat shall forward a copy of its decision to the Collector who, after giving an opportunity to the panchayat of the village in which the land is situate, and in the absence of such a panchayat to the occupiers of land in the village, to state their objections to the decision and after considering their objections, may either confirm or modify or veto the decision. The decision so confirmed or modified shall be enforced by the Collector through such agency as he may think fit.

(2) If the order of prohibition is disobeyed, the panchayat or the Collector as the case may be may impose, upon the lands benefited by such retention of surface water a penalty not exceeding Rs. 20 per acre on each occasion of such retention and may also cause the obstruction to be removed and recover the cost of so doing from the person liable.

(3) The order of the panchayat or Collector under this section shall be final.

Contribution by Government.

78. Whenever the Local Government are satisfied that, for the proper protection, maintenance or management of an irrigation work under its control, it is necessary for a panchayat to carry out work not being kudimaramat work, the Local Government may provide the panchayat with funds to meet the cost of such work either wholly or in part. When funds are so provided the panchayat shall carry out the work in such manner and within such time as the Local Government may direct.

Constitution of the Irrigation Panchayat Fund

79. (1) All sums realized as penalties and all other receipts of a panchayat, including any contribution from the

Local Government, shall constitute a fund to be called the "Irrigation Panchayat Fund." The accounts of the fund shall be kept in the manner prescribed by rules framed by the Local Government in this behalf.

(2) The expenses incurred by the panchayat in carrying out the purposes mentioned in this chapter shall be paid out of the Panchayat Fund.

Provided that any contribution made by the Local Government for any specific purpose shall be applied solely to that purpose.

Dissolution of a Panchayat.

80. (1) If in the opinion of the District Collector any panchayat persistently makes default in the performance of the duties imposed upon it by this Act or exceeds or abuses its powers, such Collector may, after giving an opportunity to the members of the panchayat to be heard in their defence, order the panchayat to be dissolved.

(2) Where a panchayat has been ordered to be dissolved, the members thereof shall vacate their office from the date of the order of dissolution and the District Collector shall take charge of any moneys which may be in the hands of the panchayat and shall utilize the same for such purposes and in such manner as may be directed by the Local Government by rules under this Act.

Member of Panchayat not liable to be sued.

81. No member of a panchayat shall be liable to be sued for any act done in good faith in persuance of the provisions of this Act.

Panchayats under the Madras Village Panchayat Act, 1920, may act as Irrigation Panchayats.

82. Where under section 18 of the Madras Village Panchayat Act, 1920, the Local Government have transferred to a panchayat constituted under the said Act the protection, maintenance and management of an irrigation-work, such panchayat, notwithstanding anything contained in section 71 of this Act, shall, in respect of such work, be deemed to be, and be competent to exercise the powers and perform the duties of, an irrigation panchayat constituted under this Act. Such panchayat shall keep the Irrigation Panchayat Fund distinct from the "Panchayat Fund" constituted under the Madras Village Panchayat Act, 1920.

CHAPTER XII.

Of Jurisdiction and Procedure.

Suit or application for the issue of an injunction.

83. Except where otherwise provided or an order or decision is declared to be final, all claims in respect of anything done under this Act may be tried by the civil courts; but no such court shall entertain a suit or application for the issue of an injunction to restrain the exercise of any powers conferred by this Act upon the Local Government or any person or body of persons or any officer.

Power to establish special tribunal.

84. It shall be lawful for the Local Government at any time by notification to establish a special tribunal constituted as hereinafter provided for the trial of claims arising under this Act cognizable by a civil court in respect of any locality, or irrigation or drainage work or works other than claims for compensation.

When such tribunal has been established no civil court shall take cognizance of any matter falling within the scope of the jurisdiction of such tribunal.

Constitution of special tribunal.

85. The special tribunal shall consist of three members, of whom one shall be an officer of the Revenue department of not less than twelve years' standing, another shall be an officer of the Public Works Department, not below the rank of an Assistant Engineer, and the third member shall be a person specially selected by the Local Government, not holding an office of profit in the service of the Government.

The official members may be appointed by name or as holding an office.

Appointment of President.

86. The Local Government may appoint one of the members of the tribunal to be its President.

Conduct of Proceedings.

87. All proceedings before the special tribunal shall be conducted and disposed of, so far as may be, in accordance with the provisions of the Civil Procedure Code.

Special tribunal to pass order which shall be final.

88. At the conclusion of the inquiry the special tribunal shall pass such order as it may consider just and proper and the order passed by it, or in the case of difference of opinion by

the majority of the members constituting it, shall be final.

Tribunals may be abolished.

89. The Local Government may, at any time, by notification abolish a special tribunal established under this Act.

Power to summon and examine witnesses.

90. Any person empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses as are conferred on Civil Courts by the Code of Civil Procedure.

Inquiry under this Act is a judicial proceeding.

91. Every inquiry conducted under this Act shall be deemed to be a judicial proceeding.

CHAPTER XIII.

Of Offences and Penalties.

Offences under the Act.

92. Whoever, without proper authority, and voluntarily, does any of the following acts, that is to say:—

(1) damages, alters, enlarges or obstructs any irrigation or drainage work;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful for the purpose for which it was constructed;

(3) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any irrigation or drainage work;

(4) constructs, removes or alters any dam, weir, embankment, sluice, channel or other work in contravention of the provisions of section 8;

(5) disobeys any order made under section 30;

(6) corrupts or fouls the water of any irrigation-work so as to render it less fit for the purposes for which it is ordinarily used;

(7) destroys, injures, defaces or moves any land-mark, level-mark or water-gauge fixed by the authority of a public servant;

(8) causes animals or vehicles to pass on or across any of the works, banks or channels of a drainage or irrigation work after such passage has been prohibited by the District Collector;

(9) causes or permits animals to graze or be tethered upon the bank or border of any irrigation or drainage work after such grazing or tethering has been prohibited by the District Collector;

(10) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

Penalty.

(11) commits any breach of any rule made in accordance with the provisions of section 99 for breach whereof the Local Government has, in such rules, directed that a penalty may be incurred;

shall be liable, on conviction before a magistrate, in the case of offences under sub-sections (1) to (4), to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding six months, or to both, and in the case of offences under sub-sections (5) to (11), to a fine not exceeding fifty rupees, or to simple imprisonment for a term not exceeding one month, or to both.

Power of Magistrate to compensate person injured out of fine imposed.

93. Whenever any Magistrate imposes a fine upon any person for an offence under this Act, he may direct that the whole or any part of such fine may be paid by way of compensation to the person injured by such offence.

A person convicted of injury may be required to make good the same.

94. When any person is convicted of an offence under section 92, or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that he shall remove the obstruction or repair the damage or replace or repair the land-mark, level-mark, water-gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any irrigation-officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Collector.

Power to arrest.

95. Any irrigation-officer or other person duly empowered in this behalf in charge of or employed upon any irrigation or drainage work may remove from any land or buildings appertaining thereto any person who in his view commits any of the offences mentioned in sub-sections (1), (2), (3) and (7) of

section 92 and may, if his name and address be unknown or if he refuses to give his name or address, or there be reason to believe that he has given a false name or address, arrest such person and forthwith take or send him to the nearest Magistrate or police station.

No person arrested under this section shall be detained for more than 24 hours without being produced before a magistrate.

96. (1) Whenever in the opinion of the Collector water has been taken for the purpose of irrigation from any irrigation or drainage work in contravention of the provisions of section 12 or in violation of any rule made under section 99, it shall be lawful for the Collector to impose, in addition to the cess, if any, leviable under this Act and subject to such rules as the Local Government may prescribe in this behalf, enhanced water-cess not exceeding twenty times the water-cess ordinarily payable for a first irrigated crop in respect of such water.

Provided that where a person has become liable to enhanced water-cess under this section and his act also amounts to an offence under section 92, he shall not be liable both to pay enhanced water-cess under this section and also to undergo prosecution for the offence.

(2) In cases where the cost of repairing or removing damage, alteration, enlargement or obstruction to an irrigation or drainage work is recoverable under section 18, the Collector may, in addition to such cost, recover from the occupiers of lands benefited by such damage, alteration, enlargement or obstruction, enhanced water-cess not exceeding twenty times the water-cess ordinarily payable for a first crop irrigated in respect of such water. Against the order of the Collector an appeal shall lie to the District Collector, whose decision shall be final.

(3) The enhanced water-cess provided in this section shall be leviable also on lands which are ordinarily exempt from a separate cess for water.

Explanation.—For the purposes of this section the words "water-cess ordinarily payable" shall, in the case of land paying a wet rate of assessment to Government, mean the wet rate of assessment for a first crop fixed on the land.

CHAPTER XIV.

Supplementary Provisions.

Compulsory and customary labour in respect of landholders' works.

97. The provisions of Chapters IX and X apply also to landholders' works of irrigation in an estate.

Provided that—

(1) the functions of irrigation-officer shall, in regard to such works, be exercised by such officer as the Local Government may appoint;

(2) all charges incurred by Government, in respect of such works, on account of employing labour, cost of materials and compensation for damage, or otherwise, shall be recoverable from the landholder;

(3) customary labour shall not be enforceable in respect of any work which serves exclusively the landholders' private land as defined in the Madras Estates Land Act, 1908.

Recovery of cesses, etc.

98. All cesses, contributions and costs payable, and all fines, penalties and other sums leviable under this Act shall be recoverable as arrears of land revenue.

Power to make rule

99. The Local Government may, from time to time, after previous publication, make rules for the purpose of carrying out the provisions of this Act and alter or cancel any rules so made.

In particular and without prejudice to the generality of the foregoing provisions, the Government may make rules:-

(1) regarding the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(2) prescribing the cases in which and the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, unless otherwise expressly provided for in this Act, shall be appealable;

(3) prescribing the persons by whom, and the time, place or manner at or in which, anything for the doing of which provision is made in this Act shall be done;

(4) prescribing the officers by whom, and the local limits within which, all or any of the powers or duties conferred or imposed by this Act shall be exercised or performed;

(5) prescribing the conditions subject to which supplies of water may be made under section 11 of this Act; and declaring the manner in which sources

of irrigation shall be assigned to any land;

(6) regarding the prohibition of the retention of surface drainage water;

(7) declaring the rates of water-cess leviable under this Act;

(8) declaring the enhanced rates which may be levied for water taken in contravention of this Act or of any rule or order made thereunder;

(9) declaring the manner and the proportion in which water-cess shall be levied from the landholder and the ryot under section 35;

(10) for the determination of the extent of mamul wet land;

(11) for the localization of mamul wet land;

(12) for the determination of the customary labour to be contributed by each village where an irrigation or drainage work serves more than one village or by individual persons;

(13) for the determination, collection and administration of the cess levied under section 69 in lieu of customary labour;

(14) for the conduct of business by panchayats and irrigation boards and for the maintenance of a record of their proceedings;

(15) for the election of the members of panchayats, and the appointment of delegates to irrigation boards;

(16) for the election of the president of a panchayat or irrigation board;

(17) for declaring the objects on which expenditure may be incurred by a panchayat, or irrigation board;

(18) for the conduct of inquiries by panchayats, and irrigation boards;

(19) regarding the accounts to be maintained by panchayats and irrigation boards, the audit of such accounts and the arrangements to be made for the lodging and custody of the Irrigation Panchayat Fund;

(20) prescribing the maximum rate of cess which an Irrigation Panchayat or Board may levy;

(21) prescribing the forms and the mode of service of notices and orders under this Act where no form or mode of service is prescribed by this or any other Act; and directing the manner in which any notifications shall be published; and

(22) for the guidance of officers in the exercise of the duties assigned to them under this Act.

STATEMENT OF OBJECTS AND REASONS.

The advisability of legislating in order clearly to define the position of the State in respect of irrigation was recognized as early as 1856, when the Governor in Council directed the drafting of an Act to set out "what is clearly the common law of the country, viz., that rivers and natural streams as well as springs in unoccupied or Government land belong to Government." The Bill prepared in pursuance of that direction accordingly contained a declaration to this effect and further enunciated "the undoubted right of Government to levy a reasonable tax" for the use of the water from the sources mentioned. As, however, the need for legislation did not at that time appear to be urgent, it was ordered in 1861 that the Bill should lie over for future consideration; and for many years no further action was taken.

2. In 1880 the subject was revived by the publication of the report of the Famine Commission, which drew specific attention to the "great inconvenience occasioned by the absence of any irrigation law for Madras." As a result of the discussion thus initiated a new Bill was prepared in 1884 with the object of "establishing the law relating to irrigation and navigation works." This draft, based substantially on the Bombay Irrigation Act, 1879, was referred to a Select Committee which, after making certain alterations, reported by a considerable majority in favour of its provisions. The measure as thus altered was, however, condemned by the Board of Revenue as unsuited to the conditions of the Madras Presidency, and in 1888 the Bill was, by order of Government, withdrawn.

3. The difficulties which arise from the want of a precise enactment enabling the State to control and regulate irrigation in the interests of the general community, continued to obtrude themselves upon the notice of Government, and in 1898 the Board of Revenue was consulted as to the advisability of legislating. The reference requested the Board to collate the various decisions of the civil courts and to report, in consultation with district officers, as to the nature and extent of legislation requisite in order to define and secure the paramount authority of State to control irrigation to the best advantage for the public good. The resolution submitted in reply dealt exhaustively with the subject, and while the complex issues involved were still under consideration, the Board's recommendation to legislate received strong confirmation from the report of the Indian Irrigation Commission, for the Commissioners in Volume II of their report—particularly paragraphs 272 to 286—warmly advocated the enactment of an irrigation law for this Presidency. The Government accepted the concurrent conclusions of these authorities as to the need for legislation and in 1905 placed

an officer on special duty for the purpose of drafting an Irrigation Bill. The result of his labours was subjected to prolonged scrutiny and in March 1908 a draft Bill was referred to the Board of Revenue for report in consultation with select revenue officers and representative private bodies and individuals, while the High Court and the Advocate-General were simultaneously requested to favour Government with their observations, and arrangements were made to procure a general expression of the views of competent officers of the Public Works Department with regard to the matters in issue. The replies received gave rise to radical alterations in the Bill and in the end of 1909 a re-draft was prepared eliminating the principal defects which had excited adverse criticism in the previous Bill. Framed mainly on the lines which legislation relating to irrigation had followed in other Provinces of India during the preceding 35 years, the revised Bill was referred for scutiny to the same authorities as the measure of 1908 and at the same time was laid on the Editors' Table with an explanatory Order (G.O. No. 3172, Revenue, dated the 19th November 1909), so as to ensure the full benefit of public criticism and suggestion. In consequence of the opinions elicited, the revised Bill underwent further alterations both in substance and form and the measure as thus revised was approved by the Government of India in 1914. It was announced that the motion to introduce the Bill would be made at the meeting of the Legislative Council which was to be held on 20th November 1914. Before, however, the motion could be moved by the Honourable Member in charge of the Bill, a motion was made that the consideration of the subject be adjourned until a convenient date after the war. The Government opposed the motion on the ground that it was desirable to introduce the Bill in order to remove misapprehensions which existed regarding it in the mind of the public. Finally, however, the motion for adjournment was carried and further progress of the Bill had to be deferred until the conclusion of the war.

4. Since then certain legal pronouncements have been made on the subject of irrigation rights, the most notable of which is the decision of the Privy Council in the Urlam case which is reported in I.L.R., 40 Mad., page 886, in which Their Lordships held that the right to free irrigation in respect of an estate should be measured with reference to the quantity of water to which the landholder was entitled at the time of the grant. This ruling seriously altered the law relating to the levy of water-cess as it had been generally understood and administered before which was that a zamindari or inamdari right to free irrigation from the sources which were in existence at the time of the permanent settlement or inam settlement was confined to the extent of the then wet cultivation. Their Lordships also made certain observations on the difficulties arising out of the obscurity of the wording of the Irrigation Cess Act VII of 1865. With a view to re-state the law and remove the uncertainty due to the defective wording of the Act, a Bill to amend the Act was framed and it was decided to introduce it as an emergent measure; but this was also dropped on account of the war. The other decisions, some of which are amazingly contradictory, relate to riparian rights and the ownership of rivers and streams based on those rights.

5. The Bill of 1914 has been revised so as to clear the doubts and difficulties created by the subsequent decisions and advantage has also been taken of this opportunity to make it a comprehensive measure by including in it provisions on water-rates and the allied subject of mamul wet, on kudimaramat and on irrigation panchayats. Whenever of recent years Bills for dealing with irrigation questions have been submitted to the Government of India, they have urged upon this Government the framing of a comprehensive enactment dealing especially with water-cess and kudimaramat; but this Government have always demurred to it on account of the urgency of the measure they had in hand. Such an objection can no longer be urged and it is therefore proposed to have a comprehensive enactment.

6. The history of the Bill having thus been set out, it remains to expound the main objects and reasons underlying its provisions.

With the exception of Chapters VI, VII, X, XI and XII the Bill is framed generally on the model of the Bombay Irrigation Act, 1879, and the Burma Canal Act, 1905. The Bill contains a declaration of the State's rights of control over the waters of rivers, streams, etc.

7. Chapter I embodies the necessary preliminary definitions. These have for the most part been taken from the Burma Act, subject to certain modifications necessitated by local conditions. Mention may in particular be made of the substitution of the term 'irrigation work' for the word 'canal'. Clause 5 makes provision for the grant of powers under the Act to the officers charged with the duty of applying it and enables the Local Government to delegate their functions in this respect.

8. Chapter II treats of rights and the assumption of control of works not belonging to Government for public purposes.

The declaration in clause 6 of the paramount right of the State to control the waters of rivers, etc., is based on the provisions of the Indian Easement Act and on a series of judicial decisions in this Presidency.

Clause 7 enables the Local Government by notification to apply the water of any river or stream or natural collection of water for the purpose of any existing or projected irrigation or drainage work and to assume control over any work which has not been constructed or maintained by Government. Upon the issue of a notification under this chapter the Local Government will have full powers of control and regulation subject only to the payment of compensation for damage, for which provision is made in Chapter VIII.

Clause 8 prohibits private interference with the water notified or with water belonging to Government. Private rights in respect of water not already appropriated can only be acquired by grant subsequent to the date of the notification.

The clause, while safeguarding existing private rights, bars the accrual of future ones except by grant. The complications that arise from the theory of riparian rights are obviated by this provision.

9. Chapter III, relating to the control and supply of water and of works generally, deviates from the Burma model, which merely enumerates the exceptional circumstances justifying interference with the supply of water to any water-course or any person.

In view of the inconvenience noticed by the Irrigation Commission as arising from the absence of any statutory definition of the rights of Government over irrigation it has been thought preferable specifically to declare what powers are possessed by Government and irrigation officers in regard to the construction of irrigation works and the control of water-supply. Clauses 11 and 12 of the Bill have been drafted accordingly, an exception being made in cases where the conditions are governed by special contracts.

As against the arbitrary use of the powers declared ample protection is afforded to the owners of irrigated land in the shape of the compensation admissible in respect of substantial damage under Chapter VIII, but risk of obstructive action on their part is obviated by a later clause (83) which bars any suit or application in a civil court for the issue of an injunction to restrain the exercise of the statutory powers conferred upon Government and its officers.

Clauses 13 to 17 give the requisite power of entry upon land or buildings for the purpose of survey, inspection and any other action necessary for the regulation, maintenance and management of irrigation or drainage works.

Clause 18, following section 36 of the Burma Act, provides for the recovery of the cost of repairing any damage caused to such works from the occupiers of the lands which derive benefit from that damage, if the person causing it is not identifiable ; provision is further made in clause 96 for the infliction of a substantial penalty, not exceeding twenty times the water-rate on the land benefited, in order to meet cases in which the actual cost of repairs is trivial and the offender a mere tool of influential persons but the mischief done affects a large extent of irrigated land and causes material injury to ryots having preferential claims to the water wrongfully diverted.

Clause 19 deals with the subject of contributions towards the repair of irrigation works which serve jointly estate and ryotwari land. In the interests of the ryots affected it is essential that Government should have power to carry out necessary repairs without delay, and where the expenditure so incurred benefits an estate, the landholder is equitably liable to contribute to the cost of repair unless he pays a separate cess for the water-supply which he receives.

10. Chapter IV treats of water-courses. Clauses 20 to 27 prescribe the procedure to be followed in the construction of water-courses upon application made to an irrigation officer for such purpose, while clause 28 enables the irrigation officer of his own initiative to construct new water-courses or to extend, alter and improve those already existing. In view of the importance of adequate provision fer the rapid construction of water-courses in connexion with any large scheme of irrigation and in order to ensure the timely development of such schemes and the realization of the returns in the period anticipated in the financial forecasts, the procedure prescribed for the acquisition of land in the case of private applications has been intentionally simplified in the proviso to clause 28 which governs acquisitions made by an irrigation officer *suo motu* for the purpose of new works.

Under clause 29 the cost incurred by the irrigation officer on the construction, extension, alteration and improvement of water-courses is recoverable from the owners or occupants of the land irrigated by water therefrom.

The provisions of this chapter have been taken mainly from the Burma and Bombay Acts. These models have been departed from however in one respect, namely, in that the water-courses after construction will remain the property of Government and possession will not be made over to the applicants. The deviation is in accordance with the prevailing practice in this Presidency, according to which irrigation channels are ordinarily treated as State property subject to communal or private rights of user. This method of treatment besides simplifying the Bill, has the further advantage of avoiding occasions for dispute as to rights and liabilities which would inevitably arise if the ownership of water-courses were vested in an uncertain number of private persons with varying and often conflicting interests.

11. Chapter V treats of water-cess. The provisions of the Madras Irrigation Cess Act 1865, are embodied in this chapter but reference to 'engagements' is omitted as this term has given rise to a number of conflicting decisions. The amendments to the Madras Irrigation Cess Act introduced by Act I of 1913 are also embodied in the present chapter with the exception of sub-section (3) of section 1-A which enables the landholder to recover from the ryot any sum paid by him between 1911 and 1913 which the ryot would have been liable to pay had the Act been in force at the time of the collection. The excepted provision has done its work and is no longer required as the claims referred to therein have become time-barred by the end of 1916. Following the recommendation of the Irrigation Commission of 1901–03 provision is also made for the levy of enhanced assessment upon Government land classified as wet and a charge for water upon mamul wet land whenever the supply of water is enlarged or otherwise improved by the Government.

12. Chapter VI deals with the execution of works on special terms. The absence of such a provision has been felt to be a serious want in the Presidency. There are projects under

contemplation which will not be remunerative unless the payment of water-cess at a specified rate is guaranteed in respect of the land in the commanded area whether the holders of such land choose to take water or not. The ryots have expressed their willingness to do so, but the Government are advised by their law officers that under the existing law such agreements do not run with the land and are not enforceable against transferees. This chapter is intended to remedy the defect. Some of the provisions have been taken from the United Provinces Minor Irrigation Works Act.

13. Chapter VII treats of mamul wet land, that is land entitled to free irrigation in an estate.

Clause 46 deals with the determination of the extent of such land. It declares that the largest area irrigated in any one year free of charge up to the date of notification under clause 7 in the case of notified works and up to the date of passing this Act in the case of other irrigation works should be recognized as mamul wet. The decision in the Urlam case no doubt lays down that the landholders' right should be measured with reference to the quantity of water he is entitled to. This decision is for obvious reasons unworkable in practice; in respect of works which were in existence at the time of the grant it is almost impossible at this distance of time to determine the quantity of water to which the landholder was then entitled. Furthermore it is necessary in the interests of administration and future development of irrigation that the landholders' right should be commuted into acreage. For this purpose it seems reasonable to assume that at some time after the grant the landholder would have utilized the supplies to their fullest extent of which the largest area irrigated is a fairly accurate measure. If the landholder is able to establish that he can irrigate a larger area without exceeding his rights he will be entitled to compensation for loss of such prospective right under clause 55. It will thus be observed that effect is given to the Urlam decision as far as practicable.

The clause further provides that mamul wet settlements effected prior to 1st May 1917 in respect of which no suit was pending on that date are final. The object of this provision is to preclude landholders from seeking to reopen concluded settlements on the strength of the decision in the Urlam case which was pronounced on 3rd May 1917, taking advantage of the ruling in 37 Mad., 322, that the levy of water-cess every year gives rise to a fresh cause of action. Several suit notices have been received from landholders who want to repudiate settlements effected even so far back as 1906, and unless such claims are barred there will be a crop of litigation.

Clause 47 deals with localization of mamul wet land. The past history of mamul wet in the Godavari and Kistna deltas has demonstrated that unless mamul wet land is localized there will be serious administrative inconvenience and loss of public revenue. There still remain extensive blocks of unlocalized land in Kistna and other districts and under the existing law there is no means of compelling the landholders to localize them. Several expedients have been suggested none of which is likely to be effective and legislation seems to be the only remedy. One reason why landholders evade localization is that they apprehend suits from their ryots. Under the existing law it is open to a ryot whose land has not been recognized as wet to sue for a declaration that it should be so treated (I.L.R., 32 Mad., 423).

Sub-clause (2) bars such suits.

14. Chapter VIII brings together as far as possible all provisions relating to the award of compensation. The general principle adopted is that compensation should be granted in respect of damage caused by the exercise of the powers conferred by the Bill, and the limitations to which that principle is subjected are set out in clause 48.

Proviso (1) to that clause follows section 10 of the Burma Act and prescribes that claims to compensation must ordinarily be made within one year of the date on which the damage first accrued.

Proviso (2) in clause 32 of the Bill of 1914 which denied compensation in cases where the supply had not been utilized within twelve years previously has been omitted in view of the provision in clause 8 of the present Bill and the recognition of the right to compensation for deprivation of potential rights.

The limitations enumerated under proviso 2 are, for the most part, based on section 31 of the Bombay Act and sections 9 and 39 of the Burma Act. But special mention should be made of the items lettered (*a*), (*b*), (*c*) and (*f*). The first of these, item (*a*), is intended to secure greater freedom for the alteration and improvement of new extension of irrigation under which the initial arrangements are to some extent tentative and may be found after trial to require modifications the introduction of which would be seriously hindered if the holders of land newly irrigated thereunder were permitted forthwith to acquire legal rights to the continuance of the supply of water. The limitation embodied in item (*b*) bars claims to compensation for the withdrawal of supply of water from land registered as 'dry' in the public accounts maintained under the Madras revenue system. Item (*c*) as it stood in the Bill of 1909 contained the following additional words:—

"Or due to the omission of Government to repair or render effective any irrigation work."

This limitation was omitted in the Bill of 1911 on the ground that it is "too general in its terms and any reference to the subject is unnecessary by the first part of the clause and also may affect the interpretation of the general law."

The reason for the omission is not convincing. It has been held by Judicial courts that Government are not under an obligation to maintain irrigation works (20 M.L.J., 869).

This is an important statement of law and its insertion in the Bill is considered necessary for the guidance of the Revenue officers who have to deal with claims for compensation. The provision in the Bill of 1909 is therefore restored.

The limitation lettered (*j*) has been inserted because of the impracticability of estimating damages ascribed to the diminution of silt.

Clauses 49 to 55 lay down the procedure to be followed in dealing with claims to compensation. Of these clause 55 deals with compensation for potential rights. Clause 56 following the Burma model, permits the grant of compensation in the shape of right to supply of water from the irrigation work constructed.

15. Chapter IX treats of obtaining labour and materials on emergencies.

The wording of Madras Act I of 1858 relative to compulsory labour is somewhat loose and the provisions have been recast on the model of the Bombay Act VII of 1879 and the Burma Act II of 1905. The obsolete provision for determining compensation by means of panchayat is repealed.

16. Chapter X deals with *kudimaramat*. The law on the subject is now contained in section 6 of Act I of 1858 where it is most inadequately dealt with. The question of enacting more complete provisions on the subject has been raised from time to time during the last 50 years. The Commission which reported on minor irrigation works in 1870 advocated fresh legislation and drafted a Bill which was referred to the Board of Revenue. The Board supported the proposal to legislate, but Government took no further steps at the time. In 1879 the Irrigation Sub-Committee of the Famine Commission again pressed for the legislation and its views were fully endorsed by the Famine Commission. A committee was accordingly appointed to prepare a Bill which was submitted to Government in 1882 and which was introduced into the Legislative Council and referred to a Select Committee. In 1884, however, the proposed measure was withdrawn principally on the ground that additional funds had become available for the maintenance of minor irrigation works—a reason which can hardly be regarded as adequate seeing that the principal ground for enforcing customary labour is that it is required for carrying out petty works which cannot by their nature be properly seen to by Government or by any one but the people on the spot who alone are in a position to do those repairs which, trifling in themselves, may, if neglected, lead to serious injury. The Irrigation Commission of 1901–03 again revived the subject and strongly advocated the enactment of a more satisfactory law. The various Collectors have been consulted and there is a general agreement among them that the present law is inadequate for the due enforcement of *kudimaramat* and that it ought to be amended.

The chief defects of the present law are that custom has to be proved before *kudimaramat* work can be exacted, that the nature of the irrigation works for which *kudimaramat* work can be required is not clearly stated, that an inadequate penalty for failure to perform *kudimaramat* labour is provided, that sums payable have to be settled by a panchayat, that sums recovered have to go into separate village-funds, that it is left uncertain whether the owner or the occupier of land is the person responsible for doing work and that no provision is made for composition for *kudimaramat* by payment of a cess or for settlement of disputes as to the shares of work contributable by villages when more than one village is concerned. Regarding the levy of a cess the Irrigation Commission of 1901–1903 observe "We should be inclined, indeed, to legalize the imposition of cess only when the Local Government were satisfied that the *kudimaramat* system would not work or when it was desired by the people concerned. . . We think also it would be a great advantage if cess funds could be administered by local panchayats for each tank or group of tanks. . . and that at any rate legislation should provide for such arrangements." The defects mentioned above have been remedied in this Bill.

17. Chapter XI treats of irrigation panchayats and boards. As already pointed out the working of the *kudimaramat* system has been unsatisfactory in many districts of the Presidency. The existence of factions in villages, the absenteeism of landlords, the want of co-operation among the ryots, added to the cumbrous nature of the procedure under the Madras Compulsory Labour Act of 1858, are among the principal causes which have led to its failure.

One remedy is to amend the Act as the Bill now does. A further remedy, it is thought, will be found in the development of the panchayat system. As observed by the Irrigation Commission of 1901–1903 the most satisfactory means of administering the cess that may be levied in lieu of customary labour is through panchayats.

Informal panchayats have already been formed in some villages to regulate the distribution of water, to provide for the performance of customary repairs to tanks and channels and to settle irrigation disputes. If legal force is given to the decisions of such bodies, their influence will be greatly increased. The object of the present Bill is to institute irrigation panchayats on a statutory basis.

Under the Bill irrigation panchayats may be established even in non-ryotwari areas in respect of notified irrigation works, that is, works of which control has been assumed under clause 7.

Clause 71 deals with the constitution of panchayats. The election of members is to be made by and from among occupiers of land interested in the maintenance of the irrigation work for which the panchayat is formed. The object is to exclude absentee pattadars such as vakils, sowcars, etc. Occupiers of land may or may not be residents of the village in which the land is situated. Residential qualification is not insisted on in their case as it is a very

common feature that lands in one village are cultivated by the residents of the neighbouring village. This is inevitable in the case of "becherak" (deserted) villages.

Clause 77 deals with the prohibition of the retention of surface water by the erection of bunds usually known as "achukattus" to the detriment of supply to an irrigation tank. In certain localities this evil exists to such an extent that unless remedial measures are adopted the supply to irrigation works will be seriously reduced. The doctrine which the clause lays down is not a novel one but a logical extension of the principle recognised in I.L.R., 40 Mad., 640, that in the absence of a custom to that effect a tenant holding dry land within the bed of an irrigation work in an estate has no right to obstruct the flow of rain water into the tank by putting up ridges on his land so as to retain for his cultivation the water so obstructed. The determination of what are objectionable "achukattus" is however a matter of some difficulty and the villagers themselves are the best judges. It is therefore proposed to leave it to the panchayats to deal with these cases.

18. Chapter XII treats of jurisdiction and procedure.

Provision is made for the establishment of a special tribunal to take the place of the ordinarily civil courts in respect of any locality, irrigation or drainage work or works for the trial of claims other than claims for compensation. The present-day tendency is to carry on litigation in respect of even the simplest order that may be passed by officers responsible for the management of irrigation works; not only is the time of courts taken up by such cases but also that of the officers whose orders are disputed and who become defendants in civil suits which are often carried on appeal from the munsif's to the district judges' court and sometimes even to the High Court. They drag on invariably for a long series of years and eventually give rise to conflicting or impracticable decisions. Such prolonged litigation besides being detrimental to public interests involves the parties in heavy expenditure out of all proportion to the benefit derived. Disputes arising out of matters connected with irrigation require special knowledge which the ordinary tribunals are not expected to possess and such disputes are more satisfactorily settled on the spot than by any amount of argument based on legal technicalities. It would be a tremendous advantage to all parties concerned to have a special tribunal well versed in irrigation matters which can be relied on to settle all disputes arising therefrom promptly and in accordance with the principles of equity. Such tribunal will be of exceptional value where claims have to be settled in respect of a projected work. The Bill accordingly provides for the establishment of a special tribunal whenever Local Government consider it expedient. Where intricate questions of law crop up, the tribunal is given the power to make a reference to the High Court.

Clause 83 bars the issue of an injunction by a civil court to restrain the exercise of any of the powers conferred by the Bill upon Local Government, any person or persons or any officer. The restriction to which the jurisdiction of the civil courts is thus subjected, ensures that irrigation officers shall not be hampered in the exercise of their powers for the regulation and control of irrigation works and the supply of water therefrom.

19. Chapter XIII deals with offences and penalties and intentionally follows the Bombay Act in providing heavier penalties for offences of a more serious nature.

Clauses 93 and 94 enable a Magistrate dealing with an offence under the Act to award compensation to persons injured and to take measures to make good the injury done to irrigation or drainage works.

Clause 95 confers upon irrigation officers and other selected persons powers of arrest in cases where serious offences are committed within their view.

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No. 632-6.
L. R.

GOVT. OF H. H. THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE SECRETARIAT.

Dated Bangalore, 31*st July* 1926.

OFFICIAL MEMORANDUM.

In view of the importance of the Tank System of Mysore, and the necessity for nsuring more efficient methods for the restoration of tanks, Government in their)rder No. P. W. 3530-36, dated 31st March 1926, directed the formation of a Tank Survey Division for the collection of all necessary data for preparing a suitable rogramme for the selection of tanks for restoration or improvement in the future.

2. It was represented at the Deputy Commissioners' meetings, held at Mysore, on the 17th and 18th June 1926, that, owing to want of control over the distribution of water, more land than could be cultivated with the available water-supply was sown with wet crops and the raiyats sustained much avoidable loss. It was further stated that there was great wastage in the use of water and that, under a system of better regulation of water-supply, a larger extent of land could be brought under wet cultivation than is done at present. It is also reported that the feeder channels of large tanks are usually in disrepair and that sufficient attention has not been paid to the provision of masonry *madaboys*, etc.

3. The draft Irrigation Bill, which was published in the *Mysore Gazette*, dated the 27th September 1923, contains necessary provisions for regulating supply of water and preventing waste, and has to be taken up for consideration and placed before the Representative Assembly and the Legislative Council at an early date.

4. In the Malnad districts, the grants under the Irrigation Cess Fund have not been utilised in full. There is an order of the Chief Commissioner to the effect that the surplus proceeds of the Irrigation Cess Fund could be utilised for the construction of new roads. It is considered that after the requirements of the tanks in the Malnad are fully met, there may be no objection to utilising the remainder for the repair of old or construction of new roads.

5. These questions require careful consideration by a Committee before further action can be taken thereon. Government are pleased to appoint the following gentlemen as members of the Committee: —

(1) The Revenue Commissioner (*Chairman*).
(2) Mr. K. R. Seshachar.
(3) Mr. A. K. Syed Taj Peeran, Deputy Commissioner, Shimoga District.
(4) Mr. B. Narasinga Rao, Pleader, Mysore.
(5) Mr. N. S. Nanjundiah, President, District Board, Hassan.

6. The following points will be considered by the Committee and a report submitted before the end of September next :—

(1) Regulation of water-supply in tanks and channels to avoid waste, and to ensure its full use for purposes of cultivation.
(2) The introduction of the Irrigation Bill.
(3) Examination of the provisions of the Tank Panchayet Regulation, and suggestion of changes necessary.
(4) The utilisation of the proceeds of the Irrigation Cess in the Malnad for repair and construction of roads.

By order,

C. RANGANATHA RAO SAHIB,
Secretary to Government, Revenue Department.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

Dated Bangalore, 8th—12th April 1927.

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
Revenue Commissioner in Musore:

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

SIR,

With reference to your letter No. R. 6326, dated 6th April 1927, I have the honour to state that the Irrigation Committee constituted by Government in G. O. No. R. 632-6—L. R. 91-26-1, dated 31st July 1926, has met so far three times, *viz.*, on 13th September 1926, 26th October 1926, and 7th April 1927

2. At the first meeting, they took up for consideration the question of the Revision of the Tank Panchayet Regulation. At the second meeting, the proceedings of the previous meeting were approved and the preliminary material to be collected in connection with the scrutiny of the Irrigation Bill was discussed. The Secretariat files and other available literature were then circulated to the several members, and these were returned to this office only on the 5th instant. The latest meeting of the Committee was held on 7th April 1927; and all the minor points which had been referred to the Committee were discussed. The draft Irrigation Bill also came up for discussion, but no definite conclusions were arrived at in the absence of sufficient material. The Committee felt that as this was a matter of far-reaching importance and raising many difficult problems, it would be undesirable to hurry through the draft bill now before them, as they considered that it would require to be simplified and recast. The Committee expected to be able to submit definite proposals to Government early.

3. The proceedings of the first meeting and the draft proceedings of the third meeting which is under circulation are sent up for the information of Government. Every effort will be made to complete the deliberations of the Committee with all possible speed.

I have the honour to be,
SIR,
Your most obedient servant,

P. G. D'SOUZA,
Revenue Commissioner

PROCEEDINGS OF THE FIRST MEETING OF THE COMMITTEE APPONITED IN GOVERNMENT ORDER NO. R. 632-6—L. R. 91-26-1, DATED 31ST JULY 1926, TO CONSIDER QUESTIONS CONNECTED WITH TANK IRRIGATION AND OTHER MATTERS, HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 13TH SEPTEMBER 1926.

Present.

Mr. C. S. Balasundaram Iyer, Revenue Commissioner (*Chairman*).
„ K. R. Seshachar.
„ A. K. Syed Taj Peeran.
„ B. Narasinga Rao.

A letter from Mr. N. S. Nanjundiah expressing his inability to attend was read and recorded.

Of the 4 points referred to the Committee for consideration, the Tank Panchayet Regulation was taken up first. After discussion, it was resolved that the following changes in the Regulation might be recommended to Government :—

1. *Section 3.*—At the end add the words: "or may empower the Village Panchayet under Section 23 of the Village Panchayet Regulation to exercise all the powers and discharge all the functions of a Tank Panchayet under this Regulation." Section 23 of the Village Panchayet Regulation may be slightly amended, the reference to Section 3 of Tank Panchayet Regulation therein being changed to "Sections 3 to 9."
2. *Section 15 (i) Substitute "shall" for "may" and (a) may be worded as follows.*—"Determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly."

Section 15 (b).—Add "and may" at the beginning.

Section 15 (2).—This may be deleted.

Section 15 (3).—Omit the words "for irrigation" and substitute "for the irrigation of wet or sugar-cane crops."

The amended Section will read as follows :—

Section 15 (1).—A Tank Panchayet specially empowered by Government in this behalf, shall in any year, having regard to the quantity of water available in any tank under its control

(*a*) determine the portion of the wet lands in the itrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly,

(*b*) and may select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugar-cane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

Section 15 (2).—If in accordance with the decision of the Panchayet under clause (*a*) of sub-section 1, any land assessed as wet is not supplied with water for the irrigation of wet or sugar-cane crops, the holder of such land shall be entitled to the remission of half the wet assessment of such land.

The object of this amendment is to discourage the cultivation of paddy over the whole atchkat when water is insufficient and to encourage the cultivation of paying crops such as turmeric, ginger or chilies, etc., or irrigated ragi or jola, which only require an intermittent supply of water. As an additional inducement towards the economical use of water, it was proposed that remission of half wet assessment under the rules should be allowed where such crops are grown.

3. *Section 16* (1).—Omit the first three lines up to "under the tank and add "where the restoration of a minor tank has been decided on under Regulation XV of 1923."

4. *Section 18* (1).—The following words may be added on :—
"or where the Tank Panchayet has been constituted under Section 23 of the Village Panchayet Regulation, withdraw such powers."

Section 18 (2).—The following words may be added after "so abolished"—"or has its powers withdrawn."

Section 18 (3).—After the words "thus abolished" add :—
"or whose powers have been withdrawn." The object of paras 3 and 4 is to bring the Tank Panchayet Regulation into line with the new Minor Tank Restoration Regulation and the new Village Panchayet Regulation.

5. The fourth point referred to the Committee, *i.e.*, the utilisation of the proceeds of the Irrigation Cess in the Malnad for the repair and construction of roads was next taken up for preliminary discussion.

It was resolved that information *re* the income and expenditure under the Irrigation Cess Fund in the Malnad Taluks, the road mileages and the mileage grants might be obtained, and the subject discussed further at the next meeting

6. In view of the fact that the detailed consideration of all the points referred to the Committee, especially the Irrigation Bill, would require time, the Committee feared that it would not be possible to submit the final report before the end of September as required by Government.

It was therefore resolved that Government might be requested to extend the time given to the Committee up to the end of December.

7. It was also resolved that the next meeeting of the Committee be held at Mysore during the ensuing Dasara Week.

C. S. BALASUNDARAM IYER
Revenue Commissioner and Chairman.

PROCEEDINGS OF THE THIRD MEETING OF THE IRRIGATION COMMITTEE HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 7TH APRIL 1927.

PRESENT.

1. P. G. D'Souza, Esq., B.A., B.L. *(Chairman)*.
2. K. R. Seshachar, Esq., B.A., B.E., C.E.
3. K. V. Anantharaman, Esq., B.A.
4. N. S. Nanjundiah, Esq.

ABSENT.

1. B. Narasinga Rao, Esq.
2. A. K. Syed Taj Peeran, Esq., B.A.

The following subjects were considered by the Committee:—

1. *Rules* re *demarcation of hikkals.*—Draft rules in this behalf had been sent up to Government who directed that the matter might be considered by this Committee (*vide* letter No. R. 3155—L. R. 299-25-45, dated 29th November 1926, from the Chief Secretary). The Committee were of opinion that the rules as a whole might be approved; and that no specific legislation was necessary; and that the last rule, *viz.*, Rule 5, might be altered as follows:—

"If it should be found necessary to acquire any extent of land for the purpose of providing a *hikkal* as above, the same will be treated as a public purpose within the meaning of the Land Acquisition Regulation. The cost will be met by Government; and, wherever possible, recovered in whole or in part, from all parties benefited."

There can be no objection to this, as it is one of the obligatory functions of Government to provide facilities for the due cultivation of land.

2. *Acreage cess for maintenance of channels.*—The next question taken up for consideration was that of the levy of acreage cess for the maintenance of irrigation channels. This subject had come up for discussion at the meeting of the Deputy Commissioners and Heads of Departments held in October 1926 and was referred to the Committee for consideration, by Government.

In that meeting, the Deputy Commissioner of Mysore had stated that all raiyats under channels were not attending to their share of maintenance work; and that, while some of them did the work, others escaped. Many were reported to be willing to pay a cess provided it was collected from all and the work was got done by Government. It was represented that this would ensure not only that all paid the cost, but also that the work was done regularly. It was a point for consideration also, as to whether statutory provision for collecting the cess was necessary.

It was understood from the Special Officer, Krishnarajasagara Works, that proposals in this behalf have already been submitted; and that, so far as the conditions in the Mysore District are concerned, it was desirable to levy an acreage cess, owing to the existence of channels; but that this system was not quite suitable in regard to tanks where it would be much more economical to get the work done by the raiyats.

3. *Tentants' responsibility for maintenance of channels.*—The Committee then considered the question of the responsibility of tenants for maintaining channels which had been discussed in the meeting of the Deputy Commissioners in October 1926 and had also been referred to the Committee by Government in their letter No. R. 3443, dated 11th December 1926. As it was understood that it was under consideration to take over the maintenance of these channels to Government, the committee were of opinion that the necessity to enforce tenants' responsibility separately will not arise.

4. *Conservation of water in tanks in view of drought.*—The Committee next took up for consideration the following three subjects, based on the suggestions for conserving water in tanks in areas liable to drought, which had been sent up by the Revenue Commissioner in his report on the distress relief operations in the State for the year 1923-24 and which had been referred to the Committee by Government in letter No. R. 2639—R. M. 30-26-4, dated 9th November 1926.

(1) Empowering Deputy Commissioners to prevent wet cultivation under selected tanks when a water famine is apprehended.

(2) Question of reducing wet and garden areas under tanks in taluks affected by drought.

(3) Reserving the minimum supply of water in tanks.

All these three questions come as special cases relating to the regulation of water-supply in tanks, etc., which is the first point referred to the Committee in the original terms of reference: and strictly speaking comes within the scope of the proposed Irrigation Bill. The Committee were generally of opinion that as it is proposed to provide for the regulation of the supply of water so as to minimise the area under cultivation, it would be unnecessary to empower Deputy Commissioner specifically to prevent wet cultivation. The Committee were in favour of a proper system by which the minimum supply of water in each tank is retained so as to ensure the retention of sufficient drinking water for men and cattle in bad areas.

5. *Utilisation of Irrigation Cess for roads in Malnad.*—The Committee next took up for consideration the question of the utilisation of the proceeds of Irrigation Cess in the Malnad for repair and construction of roads, which is one of the points originally referred to the Committee. This point had also been urged for consideration by the Kadur Deputy Commissioner separately. The Committee were of opinion that, as a general rule, it is not desirable to divert the Irrigation Cess to any other purpose than that of repairs and restoration of tanks. Even in the Malnad there is a sufficiently large number of tanks on which this cess may be usefully spent; and any grants required for road works should be met from other sources. The tanks are all in a neglected condition and sufficient attention has not been paid to the repairs, etc., and no proper lists have been prepared; and in fact no correct data are available as regards these tanks. The very fact that the accumulated funds are not being spent on irrigation works in the Malnad Districts, indicates that the obligation as regards tanks there has not been fully realised.

6. *Irrigation Bill.*—The Committee were agreed as to the need for the introduction of Irrigation Bill; but were of opinion that it should as far as possible be based on the Bombay Regulation. The Secretariat files and the Proceedings of the Madras Legislative Council in regard to the introduction of the Irrigation Bill there had been obtained and circulated to all the members. But, they were of opinion that the Madras Bill was of a highly controversial nature and included several issues which did not arise in Mysore at all; and that the Gazette copies of the discussions which led to the introduction of the Bill and subsequent amendments in Bombay should be obtained before any useful criticism could be given.

As this was a measure of far-reaching importance and raises problems of great difficulty, the Committee were not in favour of any hurried consideration of the Bill; but they expected to be able to submit specific recommendations to Government and, if possible, to have draft Bill ready, in time for the next Representative Assembly. They consider that the draft Irrigation Bill now under consideration requires to be simplified and wholly recast.

7. *Saguvali kattes.*—The Committee, of their own motion, took up for consideration the question of the construction of saguvali kattes. They were of opinion that an investigation should be made to ascertain what saguvali kattes have been in existence for over five years; and that steps should be taken to regularise unauthorised construction; and also to prevent future construction. They were of opinion that for this purpose, it would be necessary to make such construction a penal offence by Gazette notification.

P. G. D'SOUZA,
Revenue Commissioner.

No. C. 3256—27-8
Encl. (Bill with Encls.)

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.
Dated Bangalore, 18th—23rd February 1928.

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
REVENUE COMMISSIONER IN MYSORE;

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

SIR,

With reference to your letter No. R. 4718, dated 3rd February 1927, and in continuation of my letter No. C. 3256 of 25-26, dated 9th—13th April 1927, I have the honour to state that the Irrigation Committee constituted by Government in G. O. No. 632-6—L. R. 91-26-1, dated 31st July 1926, has met on two more occasions, *viz.*, 17th December 1927 and 22nd January 1928 to discuss the several questions referred to it. At the meeting held on the 17th December 1927, the draft of the Proceedings of the previous meeting was reconsidered and approved with slight alterations. Mr. B. Narasinga Rao who had objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels, on the ground that the heavy wet assessment and other cesses levied covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition, withdrew his objection when it was explained to him that this levy was confined to branch channels whose maintenance devolved upon the raiyats and that it was only a commutation by this obligatory duty into money that was intended by the resolution. The Committee then took up the consideration of the draft Irrigation Bill. In its first sitting, the Committee after a preliminary examination of the provisions of the bill, was of opinion that, while the need for the introduction of an Irrigation Bill was appreciated, the Bill placed before it was one of far-reaching importance and required a thorough recasting with a view to remove objectionable features therein. I therefore prepared a fresh draft of the Bill, excluding therefrom all controversial matters which did not require any special provision being made having ragard to our local conditions, and incorporating provisions necessary for a proper regulation of the Irrigation System in the State having in view the practice obtaining in the State with regard to irrigation and the necessity for the introduction of a Bill to regulate the irrigation practice under new works of irrigation that have been started in the State, such as the High Level Canal, the Anjanapur Project, the Bhadra Channels, etc. The Committee discussed the provisions of the Bill, section by section, and proposed certain alterations to be incorporated therein. It also wanted a statement of objects and reasons to be prepared on the lines suggested by it and the Bill with the statement of objects and reasons, to be placed before the next meeting for final approval. In the meeting held on 22nd January 1928, the Committee went through the provisions of the Bill and the statement of objects and reasons and passed them finally for being submitted to Government. As regards the question of the regulation of water-supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation referred to the Committee in G. O. No. R. 632-6—L. R. 91-26-1, dated 31st July 1926, the Committee was of opinion that the introduction of the Irrigation Bill would solve this question.

2. It will be seen from the Bill now sent up, that it differs in many important respects from the draft originally prepared, and the Committee have aimed at producing a Bill which while giving Government sufficient powers in regard to new works of irrigation, limits interference in regard to existing works only to the extent admissible according to recognised usage. The pitfalls which wrecked the Madras Irrigation Bill have been carefully avoided.

3. The next question considered was one relating to weed clearing work in the main channels of the Krishnarajasagara ordered to be placed before it in Chief Secretary's letter No. R. 10004—L. R. 505-26-80, dated 4th August 1927. It was resolved that as recommended by the Revenue Commissioner to Government unofficially the clearing of weeds in the main channels should be undertaken at Government cost.

4. Copies of the proceedings of the two meetings together with a copy of the Irrigation Bill as approved by the Committee are submitted herewith.

I have the honour to be,

Sir,

Your most obedient servant,

P. G. D'SOUZA,

Revenue Commissioner.

PROCEEDINGS OF THE FOURTH MEETING OF THE COMMITTEE CONSTITUTED IN GOVERNMENT ORDER NO. R. 632-6—L. R. 26-26-1, DATED 31ST JULY 1926, HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 17TH DECEMBER 1927.

1. Mr. P. G. D'Souza, B.A., B.L., Revenue Commissioner (*Chairman*).
2. „ K. R. Seshachar, B.A., B.E., C.E., Chief Engineer and Secretary, Krishnarajasagara Works.
3. „ K. V. Anantaraman, B.A., Deputy Commissioner, Tumkur.
4. „ B. Narasinga Rao, Pleader, Mysore.
5. „ N. S. Nanjundiah, Pleader, Hassan.

ABSENT.

Mr. A. K. Syed Taj Peeran, B.A., Deputy Commissioner, Kolar.

The proceedings of the previous meeting held on the 7th April 1927 were reconsidered as some alterations, etc., had been suggested by some of the members when the draft was sent to them. Mr. B. Narasinga Rao objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels on the ground that the heavy wet assessment and other cesses levied, covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition. When it was explained to him that the cess is confined to branch channels and will be in commutation of an existing liability on the part of the holders of land under such channels to maintain them and that the assessment under such channels was fixed at a lower rate, having regard to the water-supply and other causes as compared with main channels, he withdrew his objection, but stated that the amount to be levied should be fixed low. The proceedings, with slight verbal alterations as suggested by Mr. K. R. Seshachar, were approved.

2. The Committee next considered the draft Irrigation Bill and the question of Regulation of water-supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation (referred to the Committee for consideration in the Government Order of 31st July 1926). As the latter question was inter-mixed with the former, they were of opinion that no separate resolution was necessary on the point. The draft bill that had been prepared before and referred to the consideration of the Committee by Government had been examined by the Revenue Commissioner and had been recast in the light of previous criticism and experience elsewhere to facilitate the work of the Committee. This bill was carefully examined by the Committee, clause by clause, and certain changes were suggested. It was resolved that a revised draft of the bill incorporating the changes suggested by the Committee together with a fresh statement of objects and reasons may be prepared and placed before the Committee for their final approval.

3. The question of weed clearing work in main channels ordered to be placed before the Committee in Chief Secretary's letter No. R. 1004—L. R. 505-26-80, dated 4th August 1927, was next discussed. Opinion had already been furnished by the Revenue Commissioner to Government unofficially that the clearing of weeds in the main channels should be undertaken by Government at their cost. The Committee were also of the same opinion.

P. G. D'SOUZA,
Revenue Commissioner.

PROCEEDINGS OF THE FIFTH MEETING OF THE IRRIGATION COMMITTEE
22nd January 1928.

(1) The Proceedings of the Fourth Meeting were read and approved.
(2) The final draft of the Irrigation Bill was considered and approved

P. G. D'SOUZA
Revenue Commissior

OBJECTS AND REASONS.

This regulation is intended to make provision for certain matters pertaining to irrigation, such as the construction of water courses (*hikkals*) ; the regulation of irrigation ; the levy of contribution and water rate in respect of new irrigation works ; the regulation of customary labour ; and the punishment of irrigation offences.

2. Provision is made for giving power to Irrigation Officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc. (Chapter II.)

3. There is at present considerable complaint as regards the distributory channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributory channels is brought within the purview of the regulation as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III.)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematize the existing practice and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI).

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill ; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII).

8. Provision is made for the punishment for the irrigation offences which are enumerated in detail, by a First Class Magistrate after summary enquiry. (Chapter VIII).

THE MYSORE IRRIGATION BILL.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation offences and such other matters pertaining to Irrigation as are not adequately

provided for in the existing Regulations and Rules, His Highness the Maharaja is pleased to enact as follows :—

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation.

2. The Government may, by notification in the Official Gazette, extend this Regulation or any portion thereof to any local area or to any class of irrigation works and may also by a notification exclude any such local area or any such class of irrigation works from the operation of the Regulation or of any portion thereof from such date as may be notified therein :

Provided that all existing rules, regulations, orders or usages having the force of law in so far as they are inconsistent with any of the provisions of this regulation and the rules thereunder, in the areas and with respect to the classes of irrigation works to which the Regulation is extended, are repealed to the extent to which they are so inconsistent.

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said law, rule or order or usage having the force of law.

3. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "Irrigation work" include

(*a*) all reservoirs, tanks, canals, channels and pipes constructed maintained or controlled wholly or mainly by Government for the supply or storage of water;

(*b*) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks pipes or reservoirs ;

(*c*) all water courses and drainage works as hereinafter defined

(*d*) all lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erections occupied by or belonging to the Government upon such lands.

(2) "New Irrigation work" means any work of irrigation as defined in clause (1), constructed or completed after this regulation comes into force.

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe.

(4) "Drainage work" includes channels either natural or artificial for the discharge of waste or surplus water and all works connected with or auxiliary to such channels and escape channels from an irrigation work dam, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion

formed or maintained by the Government either wholly or in part, but does not include work for the removal of sewage.

(5) "Deputy Commissioner" includes any officer appointed by Government to exercise all or any of the powers of the Deputy Commissioner under this Regulation.

(6) "Irrigation Officer" shall mean any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation.

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

(8) "Labourer" means any person accustomed to manual labour.

4. Government, or subject to such rules as may be made under this Regulation, any Officer whom Government empowers in this behalf, may declare by Notification the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

CHAPTER II.

Of the control of water and of Irrigation Works.

5. Any Irrigation Officer duly empowered in this behalf and any person acting under general or special orders of such Irrigation officer may enter upon any land, building or water courses for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby and of doing all things necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

6. In case of any accident happening or being apprehended to any irrigation or drainage work, or in case of any urgency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work and may repair any existing work, construct any new work or take and utilise any material and take any measures or do anything that may in his opinion be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer proposes under the provisions of the two last preceding sections to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may allow.

CHAPTER III.

Of Water Courses.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may

apply in writing to the Irrigation Officer or other Officer empowered in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed in this behalf by rules to be framed by Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered through the Public Works Department, on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case or reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within 30 days from the date of communication of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purpose, the Deputy Commissioner of the District will proceed to acquire the same under the provisions of the Land Acquisition Regulation.

NOTE.—A slight amendment is required in the Land Acquisition Regulation to provide for cases when water courses are provided solely at the expense of private parties without any contribution from public funds.

9. No water courses constructed, extended or improved under the provisions of the above preceding section may be altered without the consent of the Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound

(a) to maintain such water course in a fit state of repair;
(b) to allow the use of it to any person entitled by reason of an order passed under Section 8.

11. If any owner or occupier of land which receives a supply of water from a water course fails to fulfil any obligation imposed on him by Section 10, any Irrigation Officer duly empowered in this behalf, may require him by notice to execute the necessary work or repair within a period, to be prescribed in such notice, of not less than five days from the date of service of notice and in the case of failure, may execute the same on this behalf, and expenses incurred in the execution of such work or repair shall be recoverable from him as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION.

12. The Deputy Commissioner of a District or other officer specially empowered by Government in this behalf shall have power to regulate in respect of any irrigation work,

(1) the time for letting out water for irrigation,

(2) the period during which the supply should be confined, and

(3) the quantity of the supply,

after holding such enquiry as is provided for by rules to be framed in this behalf by Government and such regulation shall be final and shall remain in force for a period of ten years from the date of the order.

13. Every person desiring to have a supply of water from a new irrigation work coming under the operation of this Regulation, shall submit a written application to that effect to an Irrigation Officer duly empowered to receive such applications in such form as shall, from time to time, be prescribed by Government in this behalf. If the application be for the supply of water for irrigation, the supply may be granted for such period and on such terms as may be prescribed by rules to be framed in this behalf by Government.

If the application be for a supply of water to be used for purposes other than those of irrigation, the irrigation officer may, with the sanction of Government, give permission for water to be taken for such purposes under such special conditions and restrictions as to limitation, control and measurement of the supply as he shall be empowered by Government to impose in each case.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except:—

(*a*) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority;

(*b*) Whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom;

(*c*) Whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demand of other persons entitled to water;

(*d*) Within periods fixed from time to time by an Irrigation Officer duly empowered in this behalf, of which due notice shall be given: and except in the manner provided in the following section.

15. An Irrigation Officer shall in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irregable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly:

Provided that if any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment on such land.

An appeal shall lie from the order of the Irrigation Officer in this behalf, within 30 days from the date of the order to the Deputy Commissioner, whose decision shall be final.

16. All rights to the supply from an irrigation work, of water to any land, building or other immoveable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land, building or other immoveable property takes place.

No person entitled to the use of any work or land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sublet or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS:

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, at certain specified rates to be fixed in accordance with rules to be framed in this behalf is guaranteed, the Government may direct the Deputy Commissioner or other Officer, to make an enquiry whether it is desirable to undertake the construction or improvement of the work.

18. The Deputy Commissioner or other Officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than 30 days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital or recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution and water-rate in respect of the land within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before a date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report to be submitted to the Government and shall also forward a statement of objections and suggestions presented to him with any remarks that he may desire to make in respect of them.

20. Upon receipt of the report referred to in the previous section, the Government may after such further enquiry, if any, as may appear to them necessary, either abandon the scheme, or proceed with it in its original form or with such modifications as they may consider necessary, provided that where the modifications involve a substantial increase in the benefited area or in acreage contribution or the water-rate to be imposed, the provisions of Sections 18 and 19 shall apply to the altered scheme.

21. (i) The scheme as finally approved by the Government shall be published in the *Mysore Gazette*, and it shall embody the following particulars:

(*a*) a specification of the work which it is proposed to construct or improve and an estimate of the capital or recurring expenditure involved thereby;

(*b*) the estimated time required for the completion of the work;

(*c*) a description of the benefited area;

(*d*) the rates at which contribution will be recovered in respect of the lands benefited by the irrigation work;

Provided that in no case shall the contribution to be leived exceed half the difference between the value of the wet and dry lands in the locality;

(*e*) the rates at which water rate will be imposed on the lands in the benefited area, such rates being liable to periodical revision at intervals of not less than ten years each : and

(*f*) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(ii) The publication under Sub-section (1) of a Scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area contribution or water-rate or both at the rates prescribed in Section 21, clauses (*d*) and (*e*).

Provided that the Deputy Commissioner may exempt from charge any land in the benefited area on the ground that it is unable to derive any benefit from the irrigation work.

CHAPTER VI.

On obtaining Labour and Materials on Emergencies.

23. (i) Whenever it appears to an Irrigation Officer or in his absence the Amildar of the Taluk that unless some work or repair is immediately executed such serious damage will happen to any irrigation or drainage work as would cause sudden and extensive public injury,

or that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance of work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

it shall be lawful for such officer to require the patel or patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in the vicinity of the locality where such repair, clearance or work has to be executed to assist in the execution of such repair, clearance or work by labouring thereat as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or any person authorised by him in this behalf may also enter into and upon any immoveable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees or bamboos whether standing or not and any timber, mats, ropes, straw, earth, stones, or other materials found in or upon such property and use the same for the purposes of such repair, clearance or work.

(iii) Every person authorised as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(iv) Any labourer being duly called upon by the head of his village to labour as aforesaid who shall refuse or neglect to comply with such call as provided in clause 1, para 4 of this section and proviso thereunder without any lawful excuse shall on conviction before a Magistrate be punished with a fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under Section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case not exceeding a fortnight from the date of such impressment, be paid by the Irrigation Officer, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

25. Whenever as a result of the removal, under Section 23, of any trees, bamboos, earth, stone or other materials, any damage and over above the price payable for such materials results directly to any person, the Irrigation Officer shall pay to such person a reasonable amount of compensation for such damage, as per rules to be framed in this behalf by Government.

26. Against the order of the Irrigation Officer, an appeal shall lie under Sections 24 and 25, within 30 days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

issuing from tanks, which obstruct the flow of water to the fields;

(*e*) Maintaining the bund to the standard level and with the slopes specified;

(*f*) Keeping in order the feeder channels of tanks;

(*g*) Watching the bunds of all tanks during rainy weather turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised atchkat of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

29. It shall be the duty of the patel of every village to see that the customary labour in respect of any irrigation or drainage work situated in the village or villages in his charge is duly performed, and he will be held primarily responsible for keeping the work in an efficient condition.

30. If during the execution of customary labour any person who is bound to contribute labour towards such work neglects or refuses to do so, the patel may employ hired labourers for the performance of the labour which such person is bound to contribute.

31. If such work is neglected, the patel shall report the matter to the Irrigation Officer who shall call upon the patel or patels of the village or villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate to publish by beat of drum requiring such persons to carry out the work by a certain date; on their failure to comply with the requisition within the appointed time, the Irrigation Officer may cause the work to be done by hired labour.

32. The quantum of labour which each person liable under Section 28 is bound to contribute towards the performance of customary labour, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village shall be determined in accordance with rules to be framed by the Government in this behalf.

33. Whenever any person who is bound to contribute labour towards the performance of customary labour neglects or refuses without sufficient and reasonable cause so to contribute, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such. person is bound to contribute and such amount shall be recoverableas an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within 30 days of the date of the order, to the Deputy Commissioner, whose decision shall be final.

34. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of this chapter.

CHAPTER VIII.

PENALTIES.

35. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work;

(ii) Interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose, for which it was constructed

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(v) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(vii) causes animals or vehicles to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under Section 43;

(viii) causes or permits animals to graze or be tethered upon the bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in Government;

(xi) violates any rule made under Section 43 for breach whereof the Government in such rules, direct that a penalty may be incurred; and

(xii) Whoever being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner or prevents or interferes with the lawful use of such water course by any person authorised to use the same under Section 8;

shall be deemed to commit an offence under this Regulation and shall, on conviction after a summary trial before a First Class Magistrate specially empowered in this behalf, be punishable for each such offence with fine which may extend to one hundred rupees.

36. When any person is convicted of an offence under Section 35, or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed any Irrigation Officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

37. Whenever any Magistrate imposes a fine upon any person for any offence under this Regulation, he may direct that the whole or any part of such fine may be paid

by way of compensation to any person or persons injured by such offences.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this regulation:

Provided that no person shall be punished twice in respect of one and the same act or omission.

39. Any person in charge of or employed upon any irrigation work may remove from the lands or building belonging thereto any person who within his view

(*i*) wilfully damages, obstructs, or fouls any irrigation work, or

(*ii*) without proper authority interferes with the supply or flow of water in or from any irrigation work in any river or stream so as to endanger, damage, make dangerous or render less useful any irrigation work;

and may, if the name and address of the person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take him forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law.

CHAPTER IX.

MISCELLANEOUS.

40. Every order passed by an Irrigation Officer under Sections 8 and 13 shall be appealable to the Deputy Commissioner:

Provided that the appeal be presented within 30 days from the date on which the order appealed against was communicated to the appellant.

All orders and proceedings of a Deputy Commissioner under this Regulation shall be subject to revision by Revenue Commissioner and Government.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence and if the place of residence is not known by affixing it in the chavadi of the village to which the action relates.

43. Government may, from time to time, mak rules not inconsistent with this regulation to regulate th following matters :—

(*a*) the proceedings of any officer who under any provision this regulation, is required or empowered to take actic in any matter;

(*b*) the cases in which the officers to whom and the time ar conditions subject to which orders and decisions give nder any provision of this regulation and not express rovided for as regards appeal, shall be appealable;

(*c*) the person by whom, the time, place or manner at or i which, anything for the doing of which provision is mad in this regulation, shall be done;

(*d*) the amount of any charge to be made under this Regulatior

(*e*) Matters falling under Sections 8 and 12 and generally carry out the provisions of this Regulation.

Government may from time to time alter or cance any rules so made.

Such rules, alterations and cancellations shall nc have the force of law until they are published in th official Gazette and objections thereto are duly considered

P. G. D'SOUZA,
Revenue Commissioner
and Chairman, Irrigation
Bill Committe

THE MYSORE IRRIGATION BILL.

Whereas it is expedient to amend the law relating to Irrigation; His Highness the Maharaja is pleased to enact as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Irrigation Regulation.

(2) It extends to the whole of Mysore.

Sections 53,111 (2) and 114 of the Mysore Land Revenue Code amended.

2. In section 53 of the Mysore Land Revenue Code, Regulation IV of 1888, for the words "or which has been made available in consequence of the construction, improvement or repair of any irrigational or other work by Government or by a private person acting under the written authority of Government," the words "and in respect of which no rate is leviable under Mysore Irrigation Regulation" shall be substituted;

In Section 111 (2) of the said code, for the word "leviable" the word "levied" shall be substituted and the words "or under the Mysore Irrigation Regulation" shall be inserted after the figure '53'; and to section 114 of the said code, the words "or of the Mysore Irrigation Regulation" shall be added.

Section 2, Bombay Act VII of 1879.

3. In this Regulation unless there is anything repugnant in the subject or context —

Section 3, Bombay Act VII of 1879.

Section 3, Madras Bill 10 of 1914.

(1) "Irrigation work" includes

(*a*) all canals, channels, tanks, pipes and reservoirs constructed, maintained or controlled wholly or mainly by Government for the supply or storage of water;

(*b*) all works, embankments, structures, supply and escape channels, connected with such canals, channels, tanks, pipes or reservoirs, and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs;

(*c*) all water courses and drainage works as hereinafter respectively defined;

(*d*) all lands occupied by the Government for the purposes of such canals, channels, tanks pipes, reservoirs, and all buildings, machinery, fences gates and other erection occupied by or belonging to the Government upon such lands.

(2) "Water course" means any channel or pipe which is supplied with water from an irrigation work but which is not maintained at the cost of Government and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe;

Section 2 Madras Bill 10 of 1914.

(3) "Drainage work" includes channels either natural or artificial for the discharge of waste or surplus water and all works connected with or auxiliary to such channels and escape channels from an irrigation work dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part but does not include works for the removal of sewage :

Section (3), Madras Bill 10 of 1914

(4) "Deputy Commissioner includes any officer appointed by Government to exercise all or any of the powers of Deputy Commissioner under this Regulation;

Section 3 (5), Bombay Act VII of 1879.

(5) "Irrigation Officer" includes any person appointed by Government to exercise all or any of the functions of an irrigation officer under this Regulation;

Section, 3 (6), Madras Bill 10 of 1914.

(6) "Owner" includes every person having a joint interest in the ownership of the thing specified, and all rights and obligations which attach to an owner under the provisions of this Regulation and shall attach jointly and severally to every person having such joint interest in the ownership.

Section, 3 (7), Bombay Act VII of 1879.

Appointment of Irrigation Officers.

4. Government or, subject to such rules as may be made under this Regulation, any officer whom Government empowers in this behalf may declare by notification the officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed,

Section 4, Madras Bill 10 of 1914.

A new clause 4-A has been added, affirming the right of Govt. to all water not the private property & penalising the obstruction of such water.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

Power to inspect and Regulate water supply.

5. Any Irrigation Officer duly empowered in this behalf and any person acting under general or special order of such Irrigation Officer, may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing all things necessary for the proper regulation, maintenance and management of any irrigation or drainage work

Section 8, Bombay Act VII of 1879.

Power to enter for repairs and to prevent accident.

6. In case of any accident happening or being apprehended to any irrigation or drainage work or in case of any urgency any Irrigation Officer and any person acting under

Section 9, Bombay Act VII of 1879

The Committee recommend that cl 5, 6, 7 & 8 should apply to both old & new works.

his general or special orders in this behalf may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work and may repair any existing work construct any new work or take and utilise any material and take any measures or do anything that may in his opinion be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice to occupier.

Section 10, Bombay Act VII of 1879.

7. When an Irrigation Officer proposes under the provision of the two last preceding sections to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may allow.

Section 11, Bombay Act VII of 1879.

8. Suitable means of crossing the irrigation work shall be provided at such places as Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent land and suitable bridges, culverts, or other works shall be constructed to prevent the drainage of the adjacent land being obstructed by any irrigation work

M
irrigation work
and of drainage to be provided.

Section 16, Madras Bill, 10 of 1914.

9. If any damage, alteration, enlargement or obstruction to any irrigation or drainage work is caused without due authority, and if the person causing such damage, alteration enlargement or obstruction cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after notice to the parties concerned, and hearing all representations to the contrary or after expiry of such ime for the submission of representations asthe may deem sufficient, recover from the occupiers of all lands which have in his opinion benefited by such damage, alteration, enlargement or obstruction, the cost of repairing such damage or of removing such alteration, enlargement or obstruction, together with a penalty, which shall not exceed twenty times the assessment of such lands.

Power to recover cost of repairing damage to irrigation or drainage works from occupiers of lands benefited by such damage when person causing it is not not ascertainable.

The whole of goes under penalties with slight changes as cl 45.

Any sum recoverable under this section may be recovered as an arrear of land revenue.

—o—

CHAPTER III.

OF WATER COURSES.

Section 18, Madras Bill 10 of 1914.

10. Any person desiring the construction of a water-course may apply in writing to the Irrigation-Officer requesting him to construct the water-course, and to do all things necessary for such construction at the cost of the applicant.

Application to construct a water-course.

Section 19, Madras Bill 10 of 1914.

11. If the Irrigation-Officer considers that the construction of such water-course is expedient, he may call upon the applicant to make such deposit as he considers necessary to

Procedure thereupon

cover the cost of the preliminary proceedings and the amount of the compensation likely to become payable and, upon such deposit being made, he shall cause enquiry to be made into the most suitable alignment for the said water-course and shall cause to be marked out the land which, in his opinion, it will be necessary to occupy for the construction thereof and shall forth-with publish a notice in every village through which the water-course is proposed to be taken that so much of such land as belongs to such village has been so marked out, and shall send a copy of such notice to the Deputy Commissioner of every district in which such land is situate for publication on such land.

The said notice shall also call upon any person who wishes to receive a supply of water through such water-course to make his application in that respect to the Irrigation-Officer within thirty days of the publication of such notice. If any such applicant appears and his application is admitted, he shall be liable to pay his share in the construction of such water-course, and in the cost of acquiring the land for the same.

12. Within thirty days from the publication of a notice under section 11, clause (1), any person likely to be affected by the construction of the proposed water-course or interested in the land to be occupied by such water-course may apply to the Deputy Commissioner of the District by petition stating his objection to the proposed construction. The Deputy Commissioner of the District shall enquire into the validity of the objection after giving previous notice to the Irrigation-Officer of the time and place at which such enquiry will be held.

Where the proposed water-course will pass through more districts than one, the Deputy Commissioner of the District in which the head of the proposed water-course will be situated shall be the Deputy Commissioner of the District for the purposes of this section.

The Deputy Commissioner shall record in writing all orders passed by him under this section and the grounds thereof.

13. If no objection is made or the objection, if any, is disallowed, the Deputy Commissioner of the District, shall inform the Irrigation-Officer of the same and proceed to acquire the land required for the water-course under the provisions of the Land Acquisition Regulation, as if a declaration had been issued by the Government for the acquisition thereof under section 6 of that Regulation and as if the Government had thereupon directed the Deputy Commissioner to take order for the acquisition of such land under section 7 of the said Regu-

Section 21 Madras Bill 10 of 1914.

either by himself or through an Asst Commr appointed by him for the purpose.

Regulation and (if necessary) as if the Government had issued orders for summary possession being taken under section 17 of the said Regulation.

If the Deputy Commissioner of the District considers any objection to be valid, he shall inform the Irrigation Officer accordingly, and the latter may, if he sees fit, alter the alignment of the proposed water-course and the Deputy Commissioner shall, after notice to the persons likely to be affected by the alteration, decide whether or not such water-course shall be constructed.

Section 22, Madras Bill 10 of 1914.

Officers authorised to acquire.

14 Where the lands to be acquired are situate in different districts, the acquisition shall be made by the Deputy Commissioners of the several districts in which the lands may lie, or the first Commissioner specially deputed by them for the purpose.

Section 23, Madras Bill 10 of 1914

Procedure after acquisition of land for water-course.

15. When the land has been acquired either permit the aid water-course. Provided that itted to construct as paid any sum unt of the acquisi-

per shall himself e, he shall, on its pplicant or appli- 11 notice there- able by them on ring the land and se.

or expenses due t be paid in ac- nd it shall be re- nd-revenue,

ant is, under the last preceding section, permitted to construct a water-course, the following rules and conditions shall be binding on him and his representatives in interest:—

First.—All works necessary for the passage, across such water-course, of water-courses existing previous to its construction and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the occupants of neighbouring lands, shall be constructed by the applicant and be maintained by him to the satisfaction of the Irrigation-Officer.

Second—Land acquired for the purpose of constructing a water-course under the provisions of section 13 shall be used only for such purpose.

Third.—The proposed water-course shall be completed to the satisfaction of the Irrigation-officer within one year after the applicant has been given permission to construct it. Provided that the Irrigation-Officer may, in his discretion, extend this period.

and in that case the applicant shall have no claim on the land acquired for the water course which will be entirely at the disposal of the Govt Commissr who may either restore it to the original occupant or dispose of it in any other manner he considers proper.

If any of the rules and conditions prescribed by this section are not complied with, the right of the applicant, or of his representative in interest, to receive a supply of water through such water-course may be put an end to by the Deputy Commissioner.

Procedure applicable to application for extensions and alterations.

17. The procedure provided in sections 10 to 16 shall apply to any application for the extension, improvement or alteration of a water course.

Section 25, Madras Bill 10 of 1914.

Power to enter upon lands to construct water-courses.

18. (1) Any Irrigation-Officer duly empowered in this behalf, and any person acting

Section 26, Madras Bill 10 of 1914.

New clause

The procedure prescribed in section 12 shall be adopted as far as may be for the acquisition of the lands required for the purpose when the construction of the water-course is undertaken at Govt-cost in the interest of the expansion of irrigation

L.J for the matter in substitute matter vide slip

may acquire the land required for any such water-course in the manner laid down in section 13 as if no objection had been made to the alignment.]

Cost of constructing water-courses to be apportioned among owners or occupiers of lands.

19. The Deputy Commissioner may order the recovery of the cost of constructing or extending any water-course under section 18, including the amount of any compensation payable or that may have been paid on this account, in proportion to the area of land supplied with water from such water-course, from the owners or occupiers of such lands.

Section 27, Madras Bill 10 of 1914.

This section was considered unnecessary & was omitted.

Any portion of such cost which shall remain unpaid on such date as the Deputy Commissioner may fix shall be recoverable as an arrear of land revenue.

Any order passed by a Deputy Commissioner under this section shall be subject to appeal to the Revenue Commissioner whose decision shall be final.

Supply of water on application through existing water-course.

20. Any person desiring to receive a supply of water through an existing water-course may apply to the Irrigation Officer for a supply through such water-course. If it appears to the Irrigation-Officer expedient that such supply should be given and that it should be conveyed through such water-course, he shall serve notice on the owners or occupiers of the land supplied with water from such water-course requiring them to show cause, on a day not less than 15 days from the service of such notice, why the said

Section 28, Madras Bill 10 of 1914.

of water for irrigation the supply may be granted for such period and on such terms as may be prescribed by rules framed in this behalf by Govt.

an Irrigation Officer duly empowered to receive such applications in such form as shall from time to time be prescribed by Government in this behalf. If an application be for the supply

and water may be supplied for purposes other than those of Irrigation.

If the application be for a supply of water to be used for purposes other than those of irrigation ithe irrigotion officer may, with the sanction of Government, give permission for water to be taken for such purposes under such special conditions and restrictions as to limitation control and measurement of the supply as he shall be empowered by Government to impose in each case.

Power to stop water-supply.

25. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except ;

Section 28, Bombay Act, VII of 1879.

This Section was recommended to be omitted

(a) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority ;

(b) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom ;

(c) whenever and so long as it is necessary to do so in order to supply in rotation the legtimate demands of other persons entitled to water;

(d) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water;

(e) within periods fixed from time to time by an Irrigation Officer duly empowered in this behalf, of which due notice shall be given.

Agreements for supply of water transferable with property in respect of which supply given.

26. All rights to the supply from an irrigation work of water to any land, building or other immovable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land, building or other immovable property takes place.

CHAPTER V

OF THE AWARD OF COMPENSATION.

Compensation in cases of ascertainable substantial damage.

27. Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Regulation, which is capable of being ascertained and estimated at the time of awarding such compensation.

Provided that :—A. No compensati
be so awarded in respect of any damage arising from,

(a) deterioration of climate, or soil or displacement of labour,

(b) stoppage of watering cattle, or stoppage or diminution of percolation or floods,

B. No claim for compensation for any damage shall be entertained after the expiration of one year from the date on which such damage first accrued unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.

28. In every case of entry upon any land or building under section 5 or section 6 the Irrigation Officer or person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree building or other property,

and within one month from the date of such entry compensation shall be tendered by an Irrigation Officer duly empowered in this behalf to the land holder or owner of the property damaged.

If such tender is not accepted, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of making enquiry as to the amount of compensation and deciding the same.

29. If the supply of water to any land irrigated from an irrigation work be interrupted otherwise than in the manner described in clause (c) of section 23 the holder of such land may present petition for compensation to the Deputy Commissioner for any loss arising from such interruption, and the Deputy Commissioner after consulting the Irrigation Officer, shall award to the petitioner reasonable compensation for such loss.

30. The decision of Deputy Commissioner under either of the last two preceeding sections as to the amount of compensation to be awarded, or, if any rule framed under section 43 such decision shall be declared to be appealable, then the decision of the authority to whom the appeal lies, shall be conclusive.

compensation.

31. All claims for compensation under this Regulation other than claims of the nature provided for in sections 28 and 29 must be made before the Deputy Commissioner of the District in which such claim arises.

Claims to be preferred to Deputy Commissioner.

32. The Deputy Commissioner shall enquire into every such claim and determine the amount of compensation if any which should in his opinion be given to the claimant; and sections 11, 12, 14, 15, 18 to 24 inclusive 26 to 40 inclusive, 51 and 58 of the Land Acquisition Regulation shall apply to such enquiries.

Deputy Commissioner to be guided by provisions of Land Acquisition Regulation.

33. In determining the amount of compensation under the last preceding section, regard shall be had to the diminution in the

Diminishing in market values to be considered in fixing compensation.

market value at the time of awarding compensation, of the property in respect of which compensation is claimed; and where such market value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profit of such property, caused by the exercise of the powers conferred by this Regulation.

Section 41, Bombay Act, VII of 1879.

Compensation when due.

34 All sums of money payable for compensation awarded under section 32 shall become due three months after the claim for such compensation was made; and simple interest at the rate of six per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

Section 42, Bombay Act, VII of 1879.

Abatement of Land Revenue and Rent.

35. If compensation is awarded under section 32 on account of a stoppage of water to any land paying revenue to Government and the amount of the revenue payable on account of such land has been fixed with reference to the water advantages appertaining thereto, the holder of the said land shall be entitled to an abatement of the amount of revenue payable to such extent as shall be determined by the Deputy Commissioner.

Section 43, Bombay Act, VII of 1879.

Abatement of inferior holders' rent on interruption of water-supply.

36. Every inferior holder of any land in respect of which such compensation has been paid shall, if he received no part of the said compensation, be entitled to an abatement of the rent previously payable by him to the superior holder thereof in proportion to the reduced value of the holding -

But, if a water supply which increases the value of the holding is afterwards restored to the said land otherwise than at the cost of the inferior holder, the superior holder shall be entitled to enhance the rent in proportion to such increased value: provided that the enhanced rent shall not in any case exceed the rent payable by the inferior holder before the abatement unless the superior holder shall, independently of the provisions of this section, be entitled so to enhance the previous rent.

CHAPTER VI.

WATER RATES.

Supply Rates.

Section 44, Bombay Act, VII of 1879.

Determination of rates for supply of canal water.

37. Such rates shall be leviable for water from irrigation works supplied for purposes of irrigation, or for any other purpose, as shall, from time to time, be determined by the Government.

Provision for cases in which existing water-supply is improved.

If owing to the construction of a new irrigation work or to the improvement or extension of an existing irrigation work, the amount or duration of any water-supply in

respect of which either no revenue or a fixed amount of revenue has hitherto been paid to Government, is increased, rates shall be leviable under this section in respect of the increased water-supply only; provided that in respect of lands for which assessment

Occasional Rates.

Section 45 Bombay Act VII of 1879.

33. If water supplied through a water course be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred, cannot be identified, the person or all the persons on whose land such water has flowed, if such land has derived benefit thereform,

Liability when person using water unauthorisedly cannot be identified.

[or if no land has derived benefit therefrom, the person or all the persons chargeable in respect of the water supplied through such water course] shall be liable, or jointly liable as the case may be, for the charges which shall be made for such use under the rules prescribed by the Government under section 56.

[ ] omitted

Section 44, Bombay Act VII of 1879.

39. If water supplied through a water-course be suffered to run to waste and if after enquiry the person through whose act or neglect such water was suffered to run to waste, cannot be discovered, the person or all the persons chargeable in respect of the water supplied through such water-course shall be liable or jointly liable as the case may be, for the charges which shall be made in respect of the water so wasted under the rule prescribed by the Government under section 56.

Liability when water runs to waste.

mis prang. omitted

All questions arising under ~~this and~~ the last preceeding section, shall, subject to the provisions of section 53, be decided by an irrigation officer duly empowered in this behalf.

of

Section 47, Bombay Act, VII of 1879.

40. All charges for the unauthorised use, ~~or for waste of water~~, may be recovered, as water rates, in addition to any penalties incurred on account of such use or waste.

Charges recoverable in addition to penalties.

of

Percolation and leakage rates.

Section 48, Bombay Act, VII of 1879.

41. If it shall appear to an irrigation officer duly empowered to enforce the provisions of this section that any cultivated land within 200 yards of any irrigation work receives by percolation or leakage from such a work an advantage equivalent to that which would be given by a direct supply of water from an irrigation work for irrigation, or that any cultivated land, wherever situate, derived by surface flow, or by means of a well sunk within 200 yards of any irrigation work after the admission of water into such irrigation work, a supply of water which has percolated or leaked from such irrigation work, he may charge on such land a water rate not exceeding that which would ordinarily have been charged for a similar direct supply to land,

Land deserving benefit from percolation liable to water rate.

similarily cultivated; for the purposes of this Regulation, land charged under this section shall be deemed to be land irrigated from an irrigation work.

RECOVERY OF WATER-RATES AND OTHER DUES IN ARREARS.

Water rates and to whom to be paid.

Section 27, Bombay Act, VII of 1879.

42. Every water-rate leviable under this Regulation shall be payable on such dates to such officers as shall from time to time be determined under the orders of the Government.

Arrears to be recoverable as land revenue.

Any such rate, or instalment of the same which is not paid on the day it becomes due, and any sum due to Government or to any irrigation officer, whether on behalf of Government or of any other person under Chapter III which is not paid when demanded, shall be recoverable according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

Rent due to owners of water courses to be recoverable as arrears of land revenue.

Rent payable to the owner of a water-course by a person authorised to use such water-course shall be payable in such instalments and on such dates as the Irrigation Officer duly empowered to act under section 11 shall direct, and may be recovered on behalf of the owner according to the law and the rules aforesaid.

Provided always that no more shall at any time be payable to the owner than is actually recovered from the said person.

here a new chapter has been introduced (vide cl 30 to 37 of the Committee's Bill re Construction & maintenance of Irrigation works on Special terms)

In place of this Chapter, Chapter IX of the Madras Bill has been adopted (vide cls 38 to 41 of the Committee's Bill.

CHAPTER VII.

COMPULSORY LABOUR ON EMERGENCIES.

Labourer may, in certain cases, be called upon to assist in preventing or repairing breaches in embankment and anicuts.

Section 1 Madras Act 1 of 1858.

43. Whenever it shall appear to the officer in charge of any tank, river or canal, or of any anicut or other like work, that there is imminent danger of the embankment of such tank, river or canal being breached, or of a breach being made in such anicut or other work, and of a destructive inundation being caused thereby, which may be prevented by a large body of labourers immediately working together to strengthen the embankment or other work, or when such a breach has occurred, if it shall appear to such officer that it can be repaired, and the inundation caused by it be stopped, by the immediate employment of a large body of labourers for that purpose, it shall be lawful for such officer to require the patel of the village or villages in the vicinity to call upon all able bodied male persons of the labouring classes in such village or villages to co-operate in the work necessory for preventing or repairing the breach, as the case may be.

In the absence of the said officer, it shall be lawful for the Amildar of the taluk to make such requisition in his stead.

And if neither the said officer nor the Amildar is on the spot, and the emergency is

great and urgent, it shall be lawful for th patel of the village in which the breach expected to occur or has occurred, of his ow motion, to call upon the labourers as afor said of his own village, and, if needfu to make a requisition to the patel of th neighbouring villages to call likewise upc the labourers of their villages, to co-operat in the work necessary for preventing or r pairing the breach.

Section 2 Madras Act, I of 1858.

44. Any male person of the labourin classes being duly called upon by the patel o the village to labour as aforesaid, who sha refuse or neglect to comply with such ca without any lawful excuse shall, on convi tion before a Magistrate or an officer exerci ing the ordinary powers of a Magistrate, b punished with a fine which may extend t one hundred rupees, or with simple imprisor ment which may extend to one month, c with both.

45. Every person who shall be em ployed on such work under such requisitio shall be paid for his labour by day at th highest rate paid in the neighbourhood f similar work, and, if he is required to wor at night, at double such rate.

46. Payment shall be made to th labourers from the public treasury; and, the labourers shall have been employed upc a work belonging to a private person, th amount advanced from the treasury shall b recoverable from such person by the sam means which may be lawfully used for th recovery of arrears of land-revenue.

47. It shall be lawful for patels c villages, on the requisition of the officer i charge of such works, as aforesaid, or in h absence on the requisition of the Amildar, o in case of emergency, when neither suc officer nor the Amildar is on the spot, of the own motion, to make requisitions upon th inhabitants of their villages for the supply c materials, to wit, trees and leaves, bamboo straw and the like, necessary for stoppin breaches in the embankments of tanks, river and canals, and to seize and, if necessary, t cut down such articles wherever they may b found, giving receipts for them in writing. Such supplies shall be paid for from the public treasury at the highest prices for which such articles are sold in the neighbourhood;

Compensation for damage.

and in case damage is sustained by any person in consequence of the cutting down of any such articles, compensation shall be made for such damage, the amount of which compensation shall in case of dispute, be determined in the same manner as amounts payable under section 6. When the work for which such articles are used belongs to a private

Recovery of advance from private persons.

Committee recommend the addition of a new Chapter on Customary Labour similar to Chap X of the Madras Bill incorporating our Tank maintenance Rules

person, the amount advanced from the treasury shall be recoverable from him by the same means by which arrears of land-revenue are recoverable.

CHAPTER VIII.

PENALTIES.

For damaging irrigation work etc.

48. Whoever voluntarily and without proper authority

(1) Damages, alters, enlarges or obstructs any irrigation work or drainage;

Section 61, Bombay Act, VII of 1879.

(2) interferes with, or increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful for the purpose for which it was constructed.

(3) corrupts or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(4) destroys, defaces or moves any and or level mark or watergauge fixed by the authority of a public servant;

(5) destroys, tampers with, or removes, any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(6) passes, or causes animals or vehicles to pass, in or across any of the works, banks or channels of an irrigation work contrary to rules made under section after he has been desired to desist therefrom;

(7) causes or knowingly and wilfully permits cattle to graze upon any irrigation work or tethers or causes or knowingly and wilfully permits cattle to be tethered, upon any such irrigation work, or roots up any grass or other vegetation growing on any such Irrigation work or removes, cuts or in any way injures, or causes to be removed, cut or in any way injured any tree, bush, grass or hedge intended for the protection of such irrigation work;

Wording of sec 92 cl 9&10 of the Madras Bill has been adopted in place of this.

(8) violates any rule made under section for breach whereof the Government shall, in such rules, direct that a penality may be incurred;

and whoever

being responsible for the maintenance of a water-course, or using a water-course, neglets to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner or prevents or interferes with the lawful use of such water-course by any person authorised to use the same under section;

shall when such act shall not amount to the offence of committing mischief within the

meaning of the Indian Penal Code, on conviction before a Magistrate, be punished for each such offence with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month, or with both.

49. Whoever without proper authority.

Section 62. Bombay Act VII of 1879.

For endangering stability of irrigation work.

(1) pierces or cuts through, or attempts to pierce or cut through, or otherwise to damage, destroy or endanger the stability of any irrigation work,

(2) opens, shuts or obstructs, or attempts to open, shut or obstruct, any sluice in any irrigation work,

Shall, when such act shall not amount to the offence of commiting mischief within the meaning of the Indian Penal Code, on conviction before a Magistrate of the first or second class, be punished for each of such offences with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Section 64. Bombay Act VII of 1879.

Persons employed on irrigation work may take offenders into custody.

50. Any person in charge of, or employed upon, any irrigation work, may

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Section 65, Bombay

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Saving of prosecution under other laws.

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Payment of fine as award of informent

an offence under this Regulation the Court which imposes such fine, or which confirms in appeal or revision a sentence of which such fine forms part, may direct that the whole or any part of such fine may be paid by way of award to any person who gave information leading to the detection of such offence or to the conviction of the offender.

If the fine be awarded by a Court whose decision is subject to appeal or revision, the amount awarded shall not be paid until the period prescribed for

presentation of the appeal has elapsed or if an appeal be presented till after the decision of the appeal.

CHAPTER IX.

MISCELLANEOUS.

Section 67, Bombay Act of VII 1879.

Appeals against order under the Regulation

53. Every order passed by an Irrigation Officer under sections 10, 14 and 22 shall be appealable to the Deputy Commissioner. Provided that the appeal be presented within the order appealed against was communicated to the appellant.

All orders and proceedings of a Deputy Commissioner under this Regulation shall be subject to the supervision and control of Government.

Section 68, Bombay Act VII of 1879.

Power to summon and examination witness.

54. Any officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure; and every such enquiry shall be deemed a judicial proceeding.

Section 69, Bombay Act VII of 1879.

Service of notices.

55. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person therein named. When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and, if such person has no ordinary place of residence within the district, service of any notice may be made by sending copy of such notice by post in a registered cover addressed to such person at his usual place of residence.

Section 70, Bombay Act VII of 1879.

Power to make alter or cancel rules.

56. Government may from time to time make rules not inconsistent with this Regulation to regulate the following matters:—

(a) the proceedings of of any officer who under any provision of this Regulation, is required or empowered to take action in any matter.

(b) the cases in which, the officers to whom and the conditions subject to which, orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable;

(c) the person by whom, the time, place or manner at or in which, anything for the

doing of which provision is made in this Regulation shall be done;

(d) the amount of any charge to be made under this Regulation;

(e) the manner of framing and revising record of rights and generally to carry out the provisions of this Regulation;

Government may, from time to time, alter or cancel any rules so made;

Such rules, alterations and cancelments shall be published in the official *Gazette* and shall thereupon have the force of law.

Section 71, Bombay Act VII of 1879

57. Nothing in this Regulation shall, saving of Municipal Water Works, be deemed to apply to any canal, channel, reservoir, lake or other collection of water vesting in any Municipality.

CHAPTER X.

This chapter was considered unnecessary.

Section 72, Bombay Act VII of 1879.

58. This chapter shall apply to second class irrigation works only.

Application of this chapter

Section 73, Bombay Act VII of 1879.

59. (1) The Government may publish a notification in the Official *Gazette* (a) declaring that it is proposed to constitute any canal, channel, stream, river, pipe or reservoir, natural and artificial, or any part thereof whether constructed, maintained or controlled by Government or not, if it is actually used for the purposes of irrigation, an irrigation work, (b) fixing a period of not less than 4 months from the date of the publication of such notification for the submission of objections to such proposal.

Notification of second class Irrigation work.

(2) After the publication of such notification, it shall also be published by the Deputy Commissioner as soon as practicable in Kannada at the Amildar's office of the taluk in which the work is situated and in every town or village which in the opinion of the Deputy Commissioner is likely to be affected by such notification.

(3) After considering such objections as may have been received within the period fixed as aforesaid, the Government may by notification in the official *Gazette* declare such canal, channel, stream, river, pipe or reservoir or any part thereof to be an irrigation work.

Section 74, Bombay Act VII of 1879.

60. When a notification has been issued under Sub-Section (3) of Section 59, the Deputy Commissioner shall publish in Kannada at the Taluk Office of the taluk in which the work is situated in every town or a village which in his opinion is likely to be affceted by such declaration or proclamation.

Proclamation by the Deputy Commissioner.

(a) Specifying as nearly as possible, the source of supply, situation and limits of the

Irrigation work notified under sub-secion (3) of Section 59.

(b) stating that the provisions of this Regulation apply to the work so notified from the date of the notification published under sub-section (3), and

(c) fixing a period of not less than 3 months from the date of such proclamation and requiring every person claiming any right in the work so notified either to present to the Deputy Commissioner within such period a written notice specifying, or to appear before him and state, the nature of such right.

Section 76 Bombay Act VII of 187 .

Appl cation of certain sections of the main Regulation.

61. (1) A second class irrigation work shall be deemed to be an Irrigation work within the meaning of Sub-Section (1) of Section 59 and to such work the following sections and chapters only shall, so far as may be, apply, namely Sections 3, 4, 5, 6, 7, 8, 10. 11, 13, 15, 16, 20. 22. 25, 26, Chapter V, Chapter VIII and Chapter IX.

(2) The aforesaid sections and chapters shall, for the purposes of this chapter be subject to the following modifications, namely:—

(i) In section 10 before the word "any" prefix the words, 'subject to any right recorded in the Record of rights prepared or revised as herein-after provided".

(ii) In section 26 after the word "property" where it first occurs, the words "which have been recorded in the Record of rights prepared or revised as hereinafter provided" shall be inserted.

(iii) In chapter V, section 27, proviso clause (c) shall be omitted.

(iv) In chapter IX, Section 53 after the figures "22" the words "and chapter X" shall be inserted.

Section 75, Bombay Act VII of 1879

Framing Record and Rights.

62. (1) As soon as possible after the expiry of the period fixed by the Deputy Commissioner under S. 60 cl. (c), an irrigation officer duly empowered in this behalf, who shall be a Revenue Officer not below the rank of an Amildar shall enquire into and settle claims to any right in the Irrigation work and shall record the extent of such right and draw up in the form from time to time prescribed by the Government an Irrigation Record of rights so far as the same may be ascertainable from the records of Government and the evidence of any person likely to be acquainted with the same, and any other documentary or oral evidenee which the parties concerned or their witnesses may produce.

(2) Such Record of rights shall contain the following matters:—

(a) the nature of the Irrigation work and any work subsidiary thereto;

(b) the lands irrigable therefrom:

(c) the custom or rule of irrigation :

(d) the rights to water and the conditions on which such rights are enjoyed and

(e) such other matters as the Government may by rules prescribe in this behalf

Section 77, Bombay Act VII of 1879.

Powers of Canal Officer

63. (1) For the purposes of the enquires under Section 62, such irrigation officer may enter, by himself or any officer authorised by him for the purpose, upon any land adjacent to any such work, and may survey demarcate, and make a map of the same.

(2) Notwithstanding anything contained in Section 62 where no sufficient evidence is forthcoming as to all or any of the matters specified in that section such irrigation officer shall, so far as may be, settle and record the aforesaid matters in such manner as he may deem fit.

Section 78, Bombay Act VI of 1879.

Revisions of Record of rights.

64. The Record of rights prepared under S. 62 may be revised from time to time by an irrigation officer empowered in that behalf, who shall be a Revenue Officer not below the rank of an Amildar.

Section 79. Bombay Act VII of 1879.

Commutation of rights

65. When the irrigation officer who has prepared or revised any Record of right finds that, having due regard to the maintenance or management of the Irrigation Work, any right contained in the Record of rights cannot continue to be exercised to the extent recorded, he shall (subject to such rules as the Government may from time to time prescribe in this behalf) commute such right wholly or in part. either by the payment to the holder of such right of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he may think fit; and he shall revise the Record of rights accordingly.

Section 80, Bombay Act VII of 1879.

Power of Government where works undertaken for increasing supply.

66. In the event of Government under taking at their own cost any work whereby the supply of water in any Irrigation Work is increased beyond the amount of such supply at the time of preparing or revising the Record of rights, the Government may, without prejudice to any rights so recorded direct that the right to such surplus water shall vest in Government and shall be applied as Government may deem fit and the Record of rights shall be revised in accordance with such direction.

Section 81, Bombay Act VII of 1879

Publications of Record of rights.

67. When any Record of rights has been prepared or revised, it shall be published in Kannada at the office of the Amildar of the taluk in which the work is situated and in every town or village which in the opinion of the Deputy Commissioner is affecteded by such Record of rights.

Section 82, Bombay Act VII of 1879.

Entries in the Record of rights to be relevant as evidence

68. Any entry in the record of rights prepared or revised under this Regulation shall be relevant as evidence in any dispute as to the matters recorded and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor. Provided that no such entry shall be so construed as to limit any of the powers conferred on the Government by this Regulation.

Section 83, Bombay Act VII of 1879.

Notice of suit to be given to the Deputy Commissioner.

69. (1) In any suit or proceeding in which any entry made in any Record of rights prepared or revised under this Regulation is directly or indirectly called in question, the court shall, before the final settlement of issues, give notice of the suit or proceeding to the Deputy Commissioner and if moved to do so, shall make the Deputy Commissioner a party to the same.

Suits against Government

(2) Save as provided in sub-section 1, no suit shall lie against Government in respect of any thing done by the Deputy Commissioner, irrigation officer, or any other person acting under the orders of Government in the exercise of any power conferred by this Regulation on such Deputy Commissioner, Irrigation or other officer or on Government.

Period of limitation.

(3) Any suit or proceeding in which an entry made in any Record of rights prepared or revised under this Regulation is directly or indirectly called in question shall be dismissed (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the publication under Sec 67 of the Record of rights containing the said entry or if one or more appeals have been made against any orders of an irrigation officer with reference to any entry in such Record of rights, then from the date of any order passed by the final appellate authority as determined according to this Regulation.

Section 84, Bombay Act VII of 1879.

Obligation to carry out petty repairs.

70. In every Irrigation work the following repairs shall be performed by the persons on whom the obligation to perform them is imposed by the next following section, that is to say—

(1) The filling up of gullies, ruts and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds, channel banks, or other portions of the said irrigation work;

(2) The prevention of the growth on such work of prickly pear, young trees, and other vegetation endangering the safety or concealing the condition of such work;

(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of such work;

(4) The clearance of silt from slucies, supply and distributing channels.

(5) The clearance of waste weir and waste channels.

Incidence of obligation

Section 85, Bombay Act VII of 1897.

71 The obligation to perform the repairs prescribed by the last preceding section shall, with reference to any land irrigated from such work be deemed to be imposed jointly and severally, in the case of unalienated land on the occupants of the land, and in the case of all other land, on the holders of the land, as defined in either case in the Mysore Land Revenue Code.

Power to enforce rights and obligations.

Section 86, Bombay Act VII of 1879.

72. If any person on whom any obligation is imposed by any of the above provisions fails to fulfil the obligation so imposed the irrigation officer may require him by notice to fulfil such obligation within a period to be prescribed in the notice of not less than 15 days, and in the event of failure may take such steps as may be necessary for the discharge of the said obligation and the amount of expense so incurred shall be a sum due to Govenment and recoverable as an arrear of land Revenue.

Duty of Patel to report failure to effect repairs

Section 89, Bombay Act VII of 1879.

73. It shall be the duty of the Patel of any village within the limits of which any irrigation work or portion of such work is situated to report to the Amildar without unnecessary dealy any failure or neglect in carry out any of the repairs specified in Section 70.

Public servent and Some other persons protected from legal proceedings.

Section 88, Bombay Act VII of 1879.

74. No suit, prosecution, or other legal proceeding shall be maintained against any public servant or person appointed under this Regulation in respect of anything done in good faith or purporting to be done under the provisions thereof of the rules made thereunder.

Power to make rules.

Section 87, Bombay Act VII of 1879.

75. Government may, from time to time by, notification in the official *Gazette* and after previous publication make rules as to all or any of the following matters;—

(1) the manner of framing and revising Record of rights,

(2) the proceedings of any officer who under the provisions of the Regulation is required to take action in any matter,

(3) to ensure scientific and economical distribution of water, and

(4) generally to carry out the provisions of this Regulation.

STATEMENT OF OBJECTS AND REASONS.

The construction of large irrigation works like the Vanivilassagara and Krishnarajasagara Reservoirs has rendered legislative enactment necessary for the efficient management of these works. Economy in the use and distribution of water in the case of works on which Government have spent many lakhs of rupees is found absolutely necessary both in the interests of the cultivators and of Government. In the interests of the cultivating community at large, certain provisions in regard to the regulation and distribution of water supply, prevention of wastage, use of water for purposes other than cultivation &c., are found necessary. Under the existing rules, the rights and liabilities of owners of water courses are not clearly defined, and there are no facilities for the rapid construction of water courses. The channel offence Rules issued more than 45 years ago have been found in practice unsuitable and unworkable, and the existing criminal law does not sufficiently meet all cases. Damage to works in which large sums of money have been spent could not be punished under the ordinary law and special provisions are found absolutely necessary. Hence the Bill based on the Bombay Irrigation Act is introduced with modifications to suit local conditions. ~~Opportunity has also been taken to introduce the recent amendment to that Act, so as to incorporate in the Bill some of the existing rules regarding the maintenance of minor irrigation works &c. Scope is also given for recording the existing rights of cultivation in regard to such works.~~ In regard to these works it is not intended that the Regulation should apply *proprio vigore* without full enquiry whether they may be brought within the proviso of the Regulation or not, but that the Regulation will be made applicable only after a full enquiry, and after objections if any, have been considered. Chapters I, II, IV, ~~V~~ V½ and ~~VII~~ to X of the Bill are framed on the model of the Bombay Irrigation Act, 1879. Chapter III on the Madras Compulsory Labour Act 1858. In regard to the last it may be observed that there is already Rule 5 in the Tank maintenance Rules, but as it was neither clear nor definite the committee appointed in 1902 to consider and report on the Tank maintenance Scheme in Mysore, recommended certain Rules based on the Madras Act of 1858. In considering this part of the Report the Government then observed.

"Appendix B proposed by the committee may be omitted as the rules therein referred to cannot be enacted except by proper legis-

The Bill declares the right of Government to all works flowing over & standing waters which is not the property of private individuals.

[illegible] But as some such provision as has been recommended is necessary, its result being to give legal effect to what is enforced as a custom at present, Government will consider the question of passing a Regulation on the lines of Madras Act of 1858". The necessity for these provisions was well recognised even then, and it is unnecessary to state that it has to be recognised much more so now after the construction of very large works. Provisions similar to these are to be found in all the Provinces of British India.

Chapter III treats of water courses. Clauses 10 to 17 prescribe the procedure to be followed in the construction of water courses on the application made to an Irrigation Officer for such purposes, while clause 18 authorises the Irrigation Officer to construct water courses on his own initiative. ~~Under clause 19, the cost incurred by the irrigation officer on the construction, extension and improvement of water courses is recoverable from the owners or occupants of the land irrigated by water therefrom.~~ Chapter IV treats of supply of water.

~~Chapter V deals with award of compensation. The general principle adopted is that compensation should be awarded in respect of any substantial damage caused by the exercise of the powers conferred by the Bill and the limitations to which that principle is subjected are set out in clause 27.~~ Chapter ~~VI~~ deals with water rates. The provisions of this chapter are practically those contained in Section 53 of the Land Revenue Code in an enlarged form. Clause 38 empowers Government to levy occassional water rates for the unauthorised use of water from the persons or all the persons on whose lands such water has flowed and benefited the lands if the person by whose act or neglect such use has occured could not be identified. ~~Similarly water rates can be levied under clause 39 if water is allowed to run to waste.~~ Clause 42 authorises arrears of water rates to be recovered as arrears of land revenue.

Chapter ~~VII~~ VIII deals with compulsory labour on emergencies. Chapter VIII deals with penalties. Clause 52 empowers the Court which imposes a fine for an offence under this Regulation to pay any part of the fine so levied as an award to the informant. Chapet IX deals wich miscellaneous matters. Clause 53 deals with appeals, 54 and 55 with power to summon witnesses and service of notices and 56 power of Government to frame rules.

Chapter X deals with second class irrigation works i. e., existing irrigaion work whether wholly constructed, maintained or

omitted by the committee

controlled by Government or not to which Government wish to extend the provisions of the chapter. Clauses 59 to 61 deal with the proceedure to be observed before the provisions of the chapter are applied to an existing water work. Clauses 62 to 69 deal with the framing of a Record of rights and the revision of such a record or the commutation of rights. Clauses 70 to 73 deal with the obligations to carry out petty repairs. Clause 74 protects public servants and some other persons from legal proceeding for *bona fide* acts under the Regulation Clause 75 gives power to Covernment to frame rules.

SUPPLEMENT TO PART IV
OF
THE FORT ST. GEORGE GAZETTE.

No. 12.] MADRAS, TUESDAY-EVENING, 8EPTEMBER 22, 1914. [PRICE, 1 *a.* 6 *p.*

Bill to be introduced into the Council of the Governor of Fort St. George for the purpose of making Laws and Regulations.

ಕಾಯಿದೆ ಕಾನೂನುಗಳನ್ನು ಉಂಟುಮಾಡುವಬಗ್ಗೆ ಏರ್ಪಟ್ಟ, ಫೋರ್ಟ್ ಸೈಂಟ್ ಜಾರ್ಜ್ ಗವರ್ನರ್ ರವರ ಆಲೋಚನಾ ಸಭೆಯಮುಂದೆ ತರಲ್ಪಡತಕ್ಕ ಮಸೆನಿದಾ ಆಕ್ಟ್ಗಳು.

ಈ ಕೆಳಗ್ಗಿನ ಮಸೆವಿದಾ ಆಕ್ಟ್, ಅದರೊಂದಿಗಿರುವ ಉದ್ದೇಶಗಳ ಮತ್ತು ಕಾರಣಗಳ ವಿವರಣೆಯು ಸಮೀತವಾಗಿ, ಫೋರ್ಟ್ ಸೈಂಟ್ ಜಾರ್ಜ್ ಗವರ್ನರ್‌ರವರ ಆಲೋಚನಾ ಸಭೆಯಲ್ಲಿ ಕೆಲಸವನ್ನು ನಿರ್ವಹಿಸುವಬಗ್ಗೆ ಏರ್ಪಟ್ಟ ಕ್ರಮಗಳೊಳಗಣ 33 ನೇ ಕ್ರಮಕ್ಕನುಗುಣವಾಗಿ ಎಲ್ಲಾ ಜನರ ತಿಳಿವಳಿಕೆಯಬಗ್ಗೆ ಪ್ರಕಟಿಸಲ್ಪಟ್ಟಿದೆ :—

No. 10 OF 1914.

1914 ನೇ ಇಸವಿಯ 10 ನೇ ನಂಬರು.

A BILL TO AMEND THE LAW RELATING TO IRRIGATION.

ನೀರಾವರಿಗೆ ಸಂಬಂಧಪಡುವ ಕಾನೂನನ್ನು ತಿದ್ದುಪಡಿಮಾಡಲು ಉಂಟಾದ ಮಸೆನಿದಾ ಆಕ್ಟ್.

ಪೀಠಿಕೆ. ನೀರಾವರಿಗೆ ಸಂಬಂಧಪಡುವ ಕಾನೂನನ್ನು ತಿದ್ದುಪಡಿಮಾಡುವದು ಯುಕ್ತವಾಗಿರುವದರಿಂದ, ಇದರಿಂದ ಈ ಕೆಳಗಿನಂತೆ ನಿರ್ಣಯಿಸಲ್ಪಡುತ್ತಿದೆ :—

1 ನೇ ಅಧ್ಯಾಯವು-

ಅವತರಣಿಕೆ.

ಚಿಕ್ಕ ಹೆಸರು. 1- ಈ ಆಕ್ಟ್‌ನ್ನು 19 ನೇ ಇಸವಿಯ ಮದ್ರಾಸ್ ನೀರಾವರೀ ಆಕ್ಟ್ ಎಂಬುದಾಗಿ ಕರೆಯಬಹುದು.

ವ್ಯಾಪ್ತಿ ಮತ್ತು ಪ್ರಾರಂಭ. 2- ಅದು ಇಡೀ ಮದ್ರಾಸ್ ಸಂಸ್ಥಾನಕ್ಕೆ ವ್ಯಾಪಿಸುತ್ತದೆ ಮತ್ತು ಕೂಡಲೇ ಜಾರಿಯಲ್ಲಿ ಬರತಕ್ಕದ್ದು.

ಅರ್ಥ ವಿವರಣೆಗಳು. 3- ಈ ಆಕ್ಟ್‌ನಲ್ಲಿ ಪ್ರಮೇಯದಲ್ಲಿ ಅಥವಾ ಸಂದರ್ಭದಲ್ಲಿ ಏನಾದರೂ ವಿರೋಧವಿದ್ದರೇನೇ ಹೊರತು—

(6) "ಇರಿಗೇಷನ್ ಆಫೀಸರ್ ಯಾನೆ ನೀರಾವರಿ ಉದ್ಯೋಗಸ್ಥ" ಎಂಬ ಮಾತಿನಲ್ಲಿ ಈ ಆಕ್ಟಿಗನುಗುಣವಾಗಿ ಒಬ್ಬ ನೀರಾವರಿ ಉದ್ಯೋಗಸ್ಥನ ಸಮಸ್ತ - ಯಾ - ಯಾವವಾದರೂ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುವಬಗ್ಗೆ - ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ನೇಮಕಪಟ್ಟ ಯಾವನೊಬ್ಬ ಆಫೀಸರನು ಸೇರುತ್ತಾನೆ

'ಇರಿಗೇಷನ್ ಆಫೀಸರ್.'

"ಮಾಲೀಕ" ಎಂಬ ಮಾತಿನಲ್ಲಿ ನಮ್ಮೂದಿಸಲ್ಪಟ್ಟ ವಸ್ತುವಿನ ಮಾಲೀಕತೆಯಲ್ಲಿ ಸೇರಿಸಿಟ್ಟ ಹಕ್ಕುಳ್ಳ ಪ್ರತಿ ಮನುಷ್ಯನು ಸೇರುತ್ತಾನೆ; ಮತ್ತು ಈ ಆಕ್ಟಿನ ನಿಬಂಧನೆಗಳ ಮೇರೆಗೆ ಒಬ್ಬ ಮಾಲೀಕನಿಗೆ ಲಗಾವಾಗುವ ಸಮಸ್ತ ಹಕ್ಕುಗಳು – ವ - ಬಾಧ್ಯತೆಗಳು ಸದರೀ ಮಾಲೀಕತೆಯಲ್ಲಿ ಅಂಥಾ ಸಮಸ್ತ ಹಕ್ಕು ಇರುವ ಪ್ರತಿ ಮನುಷ್ಯನಿಗೆ ಸಮುದಾಯವಾಗಿಯೂ, ಪ್ರತಿಪ್ರತ್ಯೇಕವಾಗಿಯೂ ಲಗಾವಾಗತಕ್ಕದ್ದು:

"ಮಾಲೀಕ."

ಎಸ್ಟೇಟು."

(8) "ಎಸ್ಟೇಟು" ಎಂದರೆ—

1908 ನೇ ಇಸವಿಯ 1 ನೇ ಮದ್ರಾಸ್ ಆಕ್ಟಿನ ಪ್ರ. 3 (2).

(a) ಯಾವದೊಂದು ಶಾಶ್ವತ ಕಂದಾಯ ಫೈಸಲಾದ ಆಸ್ತಿ - ಯಾ - ಹಂಗಾಮಿ ಕಂದಾಯ ಫೈಸಲಾದ ಜಮೀನುದಾರಿ ಎಂದೂ,

(b) ಕಲೆಕ್ಟರರ ಆಫೀಸಿನಲ್ಲಿ ಪ್ರತ್ಯೇಕವಾಗಿ ರಿಜಸ್ಟ್ರಿಮಾಡಲ್ಪಟ್ಟಿರುವ ಅಂಥ ಶಾಶ್ವತ ಕಂದಾಯ ಫೈಸಲಾದ ಆಸ್ತಿಯ - ಯಾ - ಹಂಗಾಮಿ ಕಂದಾಯ ಫೈಸಲಾದ ಜಮೀನುದಾರಿಯ ಯಾವದೊಂದು ಭಾಗವು ಎಂದೂ.

ಕಂದಾಯ ಫೈಸಲಾಗದಿರುವ ಯಾವದೊಂದು ಪಾಳೆಯ - ಯಾ - ಜಹಗೀರು ಎಂದೂ,

ಇನಾಮು ಕೊಡಲ್ಪಟ್ಟದ್ದೆನ್ನು ಬ್ರಿಟಿಷ್ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಕಾಯಂಮಾಡಿರುವ - ಯಾ - ಅಂಗೀಕರಿಸಿರುವ ಯಾವದೊಂದು ಇನಾಮು ಗ್ರಾಮ ಅಥವಾ ಅಂಥಾ ಗ್ರಾಮದ ಪ್ರತ್ಯೇಕಿಸಲ್ಪಟ್ಟ ಯಾವದಾದರೂ ಭಾಗವು ಎಂದೂ,

ಮೇಲಿನ (a), (b) - ವ - (c) ಕ್ಲಾಜುಗಳಲ್ಲಿ ವಿವರಿಸಿರುವ ಯಾವವಾದರೂ ಎಸ್ಟೇಟುಗಳಿಗೆ ಸೇರಿದೆ ಒಂದು – ಯಾ – ಅಧಿಕ ಗ್ರಾಮುಗಳಾಗಿದ್ದು ಶಾಶ್ವತವಾದೆ ಒಳ ಹಿಡುವಳಿಯಿಂದೆ ಪಡೆದಿರುವ ಯಾವದಾದರೂ ಭಾಗವು ಎಂದೂ,

ಅರ್ಥವಾಗತಕ್ಕದ್ದು -

1908 ನೇ ಇಸವಿಯ 1 ನೇ ಮದ್ರಾಸ್ ಆಕ್ಟಿನ ಪ್ರ. 3 (5).

(೪) "ಭೂಮಾಲೀಕ" ಎಂದರೆ 1908 ನೇ ಇಸವಿಯ ಮದ್ರಾಸ್ ಎಸ್ಟೇಟ್ಸು ಲ್ಯಾಂಡ್ ಆಕ್ಟಿನಲ್ಲಿ ಅರ್ಥ ವಿವರಿಸಿರುವ ಮೇರೆಗಿನ ಒಬ್ಬ ಭೂಮಾಲೀಕನು ಎಂದು ಅರ್ಥವು.

"ಭೂಮಾಲೀಕ."

4- ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟ್‌ನವರು ಅಥವಾ ಈ ಆಕ್ಟಿಗನುಗುಣವಾಗಿ ವಿಸರ್ಜಿಸಬಹುದಾದಂಥ ಕ್ರಮುಗಳಿಗೊಳಪಟ್ಟು ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಈ ಕುರಿತು ಅಧಿಕಾರಗೊಳಿಸುವ ಯಾವನಾದರೂ ಗವರ್ನ್‌ಮೆಂಟ್ ಆಫೀಸರನು ಇಸ್ತಿಹಾರುದ್ವಾರಾ, ಇದರಲ್ಲಿ ಮುಂದೆ ಕೊಡೋಣಾದ –ಯಾ- ಹೊರಿಸೋಣಾದ ಸಮಸ್ತ - ಯಾ - ಯಾವವಾದರೂ ಅಧಿಕಾರಗಳು - ಯಾ - ಕರ್ತವ್ಯಗಳು ಯಾವ ಯಾವ ಆ ಪ್ರದೇಶದಲ್ಲಿ ಯಾವ ಯಾವ ಎಲ್ಲೆಗಳೊಳಗೆ ಚಲಾಯಿಸಲ್ಪಡತಕ್ಕದ್ದು ಎಂಬುದನ್ನು ವಿಧಿಸಿ ತಿಳಿಸಬಹುದು.

ಆಫೀಸರರನ್ನು ನೇಮಕಮಾಡಲು ಅಧಿಕಾರವು.

ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶಗಳಿಗಾಗಿ ನೀರನ್ನು ವಿನಿಯೋಗಿಸೋಣ ಮತ್ತು ನೀರಾವರೀ ಕಾಮಗಾರಿಗಳ ಮೇಲ್ವಿಚಾರವನ್ನು ವಹಿಸೋಣ.

5- ಯಾವದಾದರೂ ನದಿಯ - ಯಾ - ಹಳ್ಳದ – ಯಾ – ಒಂದು ನದಿಯ - ಯಾ - ಹಳ್ಳದ ಒಂದು ಭಾಗದ, ಅಥವಾ ಸಹಜವಾಗಿ ನೀರು ಹರಿಯುವ ತೋಡಿನ – ಯಾ – ಯಾವದಾದರೂ ಸರೋವರದ - ಯಾ – ಇತರ ಸಹಜವಾದ ಜಲಾಶ್ರಯದ, ನೀರು ಹಾಲಿಯಿರುವ ಅಥವಾ ಉದ್ದೇಶಿಸಲ್ಪಟ್ಟಿರುವ ನೀರಾವರಿಯ – ಯಾ – ನೀರು ಹರಿಯಿಸುವ (ಡ್ರೈನೇಜು) ಕಾಮಗಾರಿಯ ಉದ್ದೇಶವಾಗಿ ವಿನಿಯೋಗಿಸಲ್ಪಡುವದು – ಯಾ - ಉಪಯೋಗಿಸಲ್ಪಡುವದು ಯುಕ್ತವೆಂದು ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಗ ತೋರಿದಾಗಲೆಲ್ಲ,

ಒಂದು ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶದಬಗ್ಗೆ ನೀರನ್ನು ಉಪಯೋಗಿಸಬೇಕಾದಾಗ ಅಥವಾ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ಕಟ್ಟಿಸಲ್ಪಡದಿರುವ ಒಂದು ಕಾಮಗಾರಿಯು ಮೇಲ್ ವಿಚಾರದೊಳಗೆ ಇಡಲ್ಪಡಬೇಕಾದಾಗ ಅನುಸರಿಸತಕ್ಕ ನಡವಳಿಕೆ.

ಕ್ಷ) ಅಥವಾ ಹಾಲಯಿರುವ ಸ್ಥಳ – ಯಾ – ಉದ್ದೇಶಿಸಲ್ಪಟ್ಟ ಯಾವುದಾದರೂ ನೀರಾವರಿಯ – ಯಾ ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಗೆ ಬರುವ ಯಾ – ಕಾಮಗಾರಿಯಿಂದ ಹೋಗುವ ನೀರು ಸರಬರಾಯಿಯನ್ನು ಕ್ರಮಪಡಿಸುವ – ಯಾ – ಅಭಿವೃದ್ಧಿ ಪಡಿಸುವ ಬಗ್ಗಾಗಿ ನೀರಾವರಿಯಬಗ್ಗೆ – ಯಾ – ನೀರು ಹರಿದು ಹೋಗುವಬಗ್ಗೆ, ಅಥವಾ ಜಮೀನು ಪ್ರವಾಹದಿಂದ ಕೊಚ್ಚಿ ಹೋಗದಂತೆ ಸುರಕ್ಷಿಸುವಬಗ್ಗೆ ಈ ಪ್ರಕರಣದ – ಯಾ ಉಪಯೋಗಿಸಲ್ಪಡುವ ಪರಂತು ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ಕಟ್ಟಿಸಲ್ಪಡದಂಥ – ಯಾ – ಪೋಷಿಸಲ್ಪಡದಂಥ – ಯಾ – ಮೇಲ್ವಿಚಾರಣೆಯೊಳಗಿಟ್ಟು ಕೊಳ್ಳಲ್ಪಡದಂಥ ಯಾವುದಾದರೂ ಕಾಮಗಾರಿಯ ಮೇಲ್ವಿಚಾರವನ್ನು ಗವರ್ನ್‌ಮೆಂಟಿನವರು ವಹಿಸಿಕೊಳ್ಳುವದು ಯುಕ್ತವೆಂದು ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಗೆ ತೋರಿದಾಗಲೆಲ್ಲ,

ನೋಟಿಸು ಸಾದರುಮಾಡೋಣ.

ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರು, ಇಸ್ತಿಹಾರು ಜ್ಞಾಪಕ, ಸದರೀ ಇಸ್ತಿಹಾರಿನಲ್ಲಿ ನಮೂದಿಸಲ್ಪಡುವ ಒಂದು ತಾರೀಖಿನ ತರುವಾಯ (ಅಂಥಾ ತಾರೀಖು ನೋಟಿಸಿನ ತಾರೀಖಿನಿಂದ ನಾಲ್ಕು ತಿಂಗಳೊಳಗಿನದ್ದಾಗಿರಕೂಡದು) ಸದರೀ ನೀರು ನೀತಿ ಯಾಕೆ ವಿನಿಯೋಗಿಸಲ್ಪಡಕೂಡದು – ಯಾ – ಉಪಯೋಗಿಸಲ್ಪಡಕೂಡದು ಅಥವಾ ಸದರೀ ಮೇಲ್ವಿಚಾರವನ್ನು ಯಾಕೆ ವಹಿಸಿಕೊಳ್ಳಕೂಡದು ಎಂಬ ಬಗ್ಗೆ ಸಂಬಂಧವುಳ್ಳ ಯಾವ ಮನುಷ್ಯನಾದರೂ ನೋಟಿಸಿನ ತಾರೀಖಿನಿಂದ ಎರಡು ತಿಂಗಳೊಳಗೆ ತೃಪ್ತಿಕರವಾದ ಸಬಬು ತೋರಿಸದೆ ಹೋದರೆ ಮೇಲೆ ಹೇಳಲ್ಪಟ್ಟವುಗಳಿಗೆ ಸದರೀ ನೀರು ವಿನಿಯೋಗಿಸಲ್ಪಡುವದು – ಯಾ – ಉಪಯೋಗಿಸಲ್ಪಡುವದು ಅಥವಾ ಸದರೀ ಮೇಲ್ವಿಚಾರವು ವಹಿಸೋಣಾಗುವದು ಎಂದು ವಿಧಿಸಿ ತಿಳಿಸಬಹುದು. ಅಂಥಾ ಇಸ್ತಿಹಾರು ಪ್ರೋಟ್ಸ್, ಸೈಂಟ್ ಚಾರ್ಜ್ ಗಜೇಟಿನಲ್ಲಿಯೂ, ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಕ್ರಮದ ಮೂಲವಾಗಿ ವಿಧಿಸುವಂಥ ಇತರ ರೀತಿಯಲ್ಲಿಯೂ ಘೋಷಿಸ್ ಮಾಡಲ್ಪಡತಕ್ಕದ್ದು. ಅಂಥಾ ನೋಟಿಸು ಸಾದರುಮಾಡಲ್ಪಟ್ಟ ತರುವಾಯ ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರ ಅಪ್ಪಣೆಯ ವಿನಾ ಯಾವಮನುಷ್ಯನಾದರೂ ಅಂಥಾ ನೀರಿಗೆ – ಯಾ – ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಗೂವೆದೊಂದು ಅಣೆ, ಅಡ್ಡ ಕಟ್ಟ, ಕಟ್ಟೆ, ತೂಬು, ತೋಡು – ಯಾ – ಇತರ ಕಾಮಗಾರಿಯನ್ನು ಕಟ್ಟಲು, ಜೀರ್ಣೋದ್ಧಾರಮಾಡಲು ತೆಗೆದುಹಾಕಲು – ಯಾ – ಬದಲಾಗಿಸಲುಕೂಡದು

ಇಸ್ತಿಹಾರು ಕೂಡಲ್ಪಟ್ಟ ಬಳಿಕ ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಅಧಿಕಾರವುಳ್ಳವರು.

6- ಅಂಥಾ ಇಸ್ತಿಹಾರಿನಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟ ತಾರೀಖಿನ ತರುವಾಯ ಮೇಲೆ ಹೇಳಿದವುಗಳಿಗೆ ಅಂಥಾ ಸಬಬು ತೋರಿಸದೆ ಹೋದರೆ, ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಸದರೀ ನೀರನ್ನು ವಿನಿಯೋಗಿಸಲು – ಯಾ – ಉಪಯೋಗಿಸಲು, ಉಪಕ್ರಮಿಸಬಹುದು, ಅಥವಾ ಸದರೀ ಮೇಲಧಿಕಾರವನ್ನು ವಹಿಸಬಹುದು. ಮತ್ತು ಸದರೀ ನೀರಿನ – ಯಾ – ಕಾಮಗಾರಿಯ ವಿಷಯವಾಗಿ ಈ ಆಕ್ಟಿನ 3 ನೇ – ವ – 4 ನೇ ಅಧ್ಯಾಯಗಳಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಯಾವವಾದರೂ – ಯಾ – ಸಮಸ್ತ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಬಹುದು

ಇಸ್ತಿಹಾರು ಕೊಡಲ್ಪಟ್ಟಬಳಿಕ ನೀರು ಸರಬರಾಯಿಗೆ ಹಕ್ಕು ಇರಲಾರದು.

5 ನೇ ಪ್ರಕರಣದಮೇರೆಗೆ ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ಒಂದು ಇಸ್ತಿಹಾರು ಕೊಡಲ್ಪಟ್ಟಾಗ ಯಾವ ನೀರಾವರೀ ಕಾಮಗಾರಿಯ ವಿಷಯವಾಗಿ ಇಸ್ತಿಹಾರು ಸಾದರ ಮಾಡಲ್ಪಟ್ಟಿರುವದೋ ಆ ನೀರಾವರೀ ಕಾಮಗಾರಿಯಿಂದ ನೀರು ಸರಬರಾಯಿಯಬಗ್ಗೆ ಅಂಥಾ ನೋಟಿಸಿನ ತಾರೀಖಿನನಂತರ ಉಂಟಾದ ಗಾಯಟ್ಟುಮೇರೆಗೆ ಅಥವಾ ಪ್ರಾರಂಭವಾಗುವ ಅನುಭೋಗದ ಹಕ್ಕುದಾರಿಯಮೇರೆಗೆ ವಿನಾ ಗವರ್ನ್‌ಮೆಂಟಿನವರ ಮೇಲೆ ಯಾವದೊಂದು ಹಕ್ಕು ಇರುವದಾಗಿ – ಯಾ – ಹೇಳಿಸಿರುವದಾಗಿ ಅಥವಾ ಹೇಳಿಸಲ್ಪಟ್ಟಂತೆ ಭಾವಿಸಲ್ಪಡತಕ್ಕದ್ದಲ್ಲ.

ನಿಬಂಧನೆಗಳಮೇರೆಗೆ ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ಮಾಡಲ್ಪಡತಕ್ಕ ಕ್ರಮಗಳಿಂದ ನಿರ್ದೇಶಿಸಲ್ಪಡುವ ಷರತುಗಳಿಗೆ ಮತ್ತು ಲಗತ್ ಮುಂದೆಬರುವ ಪ್ರಕರಣದ ನಿಬಂಧನೆಗಳಿಗೆ ಒಳಪಡಿಸಿಕೊಡಲ್ಪಟ್ಟಿರುವಂತೆ ಭಾವವಾಗತಕ್ಕದ್ದು-

ನೀರು ಸರಬರಾಯಿಯನ್ನು - ವ - ಕಾಮಗಾರಿಗಳನ್ನು ಮೇಲ್ವಿಚಾರಣೆಯಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳಲು ಗವರ್ನ್‌ಮೆಂಟಿನವರ ಅಧಿಕಾರಗಳು.

10- (1) ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟಿನವರು, ಆ ಕುರಿತು ಒಂದು ಹುಕುಮನ್ನು ಘಾಯಿಷ್‌ಮಾಡಿದ ಬಳಿಕ—

(a) ನೀರು ಸರಬರಾಯಿ ಮಾಡಲ್ಪಡುವ ನೀರಾವರೀ ಕಾಮಗಾರಿಯನ್ನು ಬದಲಾಯಿಸಬಹುದು : ಮತ್ತು ಯಾವದಾದರೂ ಫಲಾನಾ ನೀರಾವರೀ ಕಾಮಗಾರಿಯಿಂದ ನೀರನ್ನು ಹೊಂದುವಬಗ್ಗೆ, ಅಂಥಾ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಲಿಕ್ಕೆ ಆತಂಕವಾಗಿರುವಮಟ್ಟಿಗೆ, ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯೆಲ್ಲಿರುವ ಯಾವದಾದರೂ ಕಾನೂನಿನ – ಯಾ – ಪದ್ಧತಿಯೆಮೇರೆಗೆ ಗವರ್ನ್‌ಮೆಂಟಿನವರಮೇಲೆ ಯಾವದಾದರೂ ಹಕ್ಕು ಇರುವಂತೆ – ಯಾ – ಸಂಪಾದಿಸಲ್ಪಟ್ಟಿರುವಂತೆ ಭಾವವಾಗಕೂಡದು ;

(b) ಯಾವದೊಂದು ನೀರಾವರಿಯ –ಯಾ – ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯನ್ನು ಮುಚ್ಚಿಬಿಡಲು, ತೆಗದು ಹಾಕಲು, ಕಟ್ಟಿಸಲು, ದುರುಸ್ತು ಪಡಿಸಲು, ತಬ್ದೀಲು ಮಾಡಲು ಅ ಯಾ- ಅದಕ್ಕೆ ಹೆಚ್ಚಾಗಿ ಸೇರಿಸಲು, ಅಥವಾ ಯಾವದೊಂದು ನೀರಾವರೀ ಕಾಮಗಾರಿಯಲ್ಲಿಯ ನೀರಿನ ಸಂಗ್ರಹವನ್ನು ನಿಲ್ಲಿಸಲು - ಯಾ – ಕಡಿಮೆಮಾಡಲು ಬಹುದು ;

(c) ಯಾವದಾದರೂ ನೀರಾವರೀ ಕಾಮಗಾರಿಯಿಂದ ನೀರು ಹಂಚಲ್ಪಡುವದನ್ನು ಮೇಲ್ವಿಚಾರದೊಳಗಿಟ್ಟುಕೊಳ್ಳುವ – ಯಾ – ನೀರು ಸರಬರಾಯಿಯನ್ನು ಕ್ರಮಪಡಿಸುವ ಬಗ್ಗಾಗಿ ತಾವು ಅಗತ್ಯವೆಂದು ತಿಳಿಕೊಳ್ಳುವ ಇತರ ಯಾವವಾದರೂ ಏರ್ಪಾಡುಗಳನ್ನು ಮಾಡಬಹುದು-

ನೀರು ಸರಬರಾಯಿಯನ್ನು ಮೇಲ್ವಿಚಾರದೊಳಗಿಟ್ಟುಕೊಳ್ಳಲು ಇರ್ರಿಗೇಷನ್ ಆಫಿಸರನ ಅಧಿಕಾರಗಳು.

(2) ಯಾವದೊಂದು ನೀರಾವರೀ ಕಾಮಗಾರಿಯ ತಾಬೆಯಿರುವ ಇರ್ರಿಗೇಷನ್ ಆಫಿಸರನಿಗೆ ಈ ಕೆಳಗಣ ಸಂಗತಿಗಳಲ್ಲಿ ಯಾವದಾದರೂ ಕೈತೋಡಿಗೆ ಅಥವಾ ಯಾವನಾದರೂ ಮನುಷ್ಯನಿಗೆ ತನಗೆ ಅಗತ್ಯವೆಂದು ತೋರುವಷ್ಟು ಕಾಲದ ಪರ್ಯಂತ ನೀರು ಸರಬರಾಯಿಯನ್ನು ನಿಲ್ಲಿಸಲಿಕ್ಕೆ ಅಧಿಕಾರವಿರತಕ್ಕದ್ದು :—

(i) ಹಾಗೆ ನಿಲ್ಲಿಸುವದು—

(a) ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ಅಥವಾ ಈ ಕುರಿತು ಕ್ರಮಪ್ರಕಾರ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟ ಯಾವನಾದರೂ ಇರ್ರಿಗೇಷನ್ ಆಫಿಸರನಿಂದ ಅಪ್ಪಣೆ ಕೊಡಲ್ಪಟ್ಟ ಯಾವದಾದರೂ ಕಾಮಗಾರಿಯನ್ನು ಜರಗಿಸುವ ಬಗ್ಗಾಗಿ,

(b) ನೀರನ್ನು ಹೊಂದಲಿಕ್ಕೆ ಅರ್ಹರಾಗಿರುವ ಜನರ ನ್ಯಾಯವಾದ ಅವಶ್ಯಕತೆಗಳಮೇರೆಗೆ ಸಗದಿಯಿಂದ ಸರಬರಾಯಿಮಾಡುವ ಬಗ್ಗಾಗಿ,

ಅಗತ್ಯವಾದಾಗಲೆಲ್ಲಾ-

(ii) ನೀರು ದುರ್ವ್ಯಯವಾಗುವದನ್ನು ತಡೆಯಿಸುವಂಥ ರೀತಿಯೆಲ್ಲಿ ಒಂದು ಕೈ ತೋಡನ್ನು ಕಾಪಾಡದಿದ್ದಾಗಲೆಲ್ಲಾ-

ಸರ್ವೇಮಾಡುವ - ವ - ಸಂದರ್ಭಣೆ ಮಾಡುವಬಗ್ಗಾಗಿ ಪ್ರವೇಶಿಸಲು ಅಧಿಕಾರವು.

11- ಯಾವನೊಬ್ಬ ಇರ್ರಿಗೇಷನ್ ಆಫಿಸರನು ಮತ್ತು ಒಬ್ಬ ಇರ್ರಿಗೇಷನ್ ಆಫಿಸರನ ವಿಶೇಷ ಹುಕುಮಿನಮೇರೆಗೆ ವರ್ತಿಸುವ ಯಾವನೊಬ್ಬ ಮನುಷ್ಯನು ಯಾವದೊಂದು ನೀರಾವರಿಯ –ಯಾ- ನೀರುಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯ ಲಗತಿಯೆಲ್ಲಿರುವ – ಯಾ - ನೆರೆಕರೆಯೆಲ್ಲಿರುವ ಜಮೀನುಗಳಲ್ಲಿ ಅಥವಾ ಯಾವ ಜಮೀನಿನ ಮುಖಾಂತರವಾಗಿ ಒಂದು ನೀರಾವರಿಯ –ಯಾ- ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯನ್ನು ಕೊಂಡು ಹೋಗಲು ಇರಾಧಿಸೋಣವಾಗಿದೆಯೋ ಅದಕ್ಕೆ ಲಗತಿನಲ್ಲಿರುವ – ಯಾ – ನೆರೆಕರೆಯೆಲ್ಲಿರುವ ಯಾವವಾದರೂ ಜಮೀನುಗಳಲ್ಲಿ ಪ್ರವೇಶಿಸಬಹುದು ಮತ್ತು ಅವುಗಳ ಅಳತೆಗಳನ್ನು - ವ – ಮಟ್ಟಗಳನ್ನು ತೆಗೆಯಬಹುದು ;

ಮತ್ತು ಅಡಿಮಣ್ಣನ್ನು ಅಗಿಯಲೂ, ಸುರಂಗ ತೋಡಲೂ ಬಹುದು ; ಮತ್ತು ತಕ್ಕವಾದ ಭೂಚಿಹ್ನ
ಗಳನ್ನು ಇಟ್ಟು, ಸುರಕ್ಷತೆಗಳನ್ನು ಮತ್ತು ಉಲ್ಬಣಾಪಕಗಳನ್ನು ಏರ್ಪಡಿಸಲೂ ಯಾ ಇರಗೊಡಿಸ
ಬಹುದು ;

ಮತ್ತು ಸದರೀ ಇರ್ರಿಗೇಷನ್ ಆಫಿಸರನ ತಾಬಯಲ್ಲಿರುವದಾಗಿ ಪ್ರಕೃತವಿರುವ ಯಾ ಉದ್ದೇಶಿಸಿರು
ಯಾವದಾದರೂ ನೀರಾವರಿಯ ಯಾ ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಪಟ್ಟು ಯಾವದಾದರ
ವಿಚಾರಣೆಯನ್ನು ಜರಗಿಸುವಬಗ್ಗೆ ಅವಶ್ಯವಿರುವ ಇತರ ಎಲ್ಲಾ ಕಾರ್ಯಗಳನ್ನು ನಡೆಯಿಸಬಹುದು ;

ಮತ್ತು ಅಂಥಾ ವಿಚಾರಣೆಯು ಅನ್ಯಥಾರೀತಿಯಲ್ಲಿ ಮುಗಿಸಲಕ್ಕಾಗದಿದ್ದಪಕ್ಷದಲ್ಲಿ ಸದರೀ ಇರ್ರಿ
ಷನ್ ಆಫಿಸರನು ಅಥವಾ ಅಂಥಾ ಇತರ ಮನುಷ್ಯನು ನಿಂತಿರುವ ಯಾವದಾದರೂ ಪೈಗಿನ, ಬೀಲಿಯು ಯಾ
ಕಾಡಿನ ಯಾವ ಬಾಗವನಾದರೂ ಕಡಿದುಹಾಕಲು ಯಾ ತೆಗೆಯಿಸಲುಬಹುದು.

12. ಈ ಕುರಿತು ಕ್ರಮಪ್ರಕಾರ ಅಧಿಕಾರಗೊಳಿಸಲಟ್ಟ ಯಾವನಾದರೂ ಇರ್ರಿಗೇಷನ ಆಫಿಸರ
ಮತ್ತು ಅಂಥಾ ಇರ್ರಿಗೇಷನ ಆಫಿಸರನ ಸಾಮಾನ್ಯ ಯಾ ವಿಶೇ
ಕ್ರಮಪಡಿಸುವ ಮತ್ತು ಕಾಪಾಡುವ ಹುಕುಮಿಗನುಗುಣವಾಗಿ ವರ್ತಿಸುವ ಯಾವನಾದರೂ ಮನುಷ್ಯ
ಬಗ್ಗೆ ಪ್ರವೇಶಿಸಲು ಅಧಿಕಾರವು.
ನೀರು ಉಪಯೋಗಿಸುವದನ್ನು ಸಂದೇಶಿಸುವ ಯಾ ಕ್ರಮಪಡಿಸು
ಬಗ್ಗಾಗಿ ಅಥವಾ ಜಮಿನನ್ನು ಅಳತೆಮಾಡುವಬಗ್ಗಾಗಿ ಮತ್ತು ಯಾವದೊಂದು ನೀರಾವರಿಯ ಯಾ
ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯನ್ನು ಕ್ರಮಪಡಿಸುವ, ಕಾಪಾಡುವ, ಮತ್ತು ಆಡಳಿತ ನಡೆಯಿಸುವ ಬಗೆ
ಅವಶ್ಯವಿರುವ ಯಾವತ್ತು ಕಾರ್ಯಗಳನ್ನು ನಡೆಯಿಸುವಬಗ್ಗೆ ಯಾವದಾದರೂ ಜಮಿನಿನಲ್ಲಿ ಯಾ
ಕಟ್ಟಡದಲ್ಲಿ ಪ್ರವೇಶಿಸಬಹುದು.

13. ಒಂದು ನೀರಾವರಿಯ ಯಾ ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಗೆ ಅಪಾಯಸಂಭವಿಸುವ
ಯಾ ಸಂಭವಿಸುವ ಭಯವಿರುವ ಸಂಗತಿಯಲ್ಲಿ ಅಥವಾ ಯಾವದ
ಜರೂರಿಯಾತ್ ಸಂಗತಿಗಳಲ್ಲಿ ಪ್ರವೇ ದರೂ ಜರೂರಿಯಾತ್ ಸಂಗತಿಯಲ್ಲಿ ಯಾವನೊಬ್ಬ ಇರ್ರಿಗೇಷನ್ ಆ
ಶಿಸುವರೆ ಅಧಿಕಾರವು. ಸರನು ಮತ್ತು ಈ ಕುರಿತು ಅವನ ಸಾಮಾನ್ಯ ಯಾ ವಿಶೇಷ ಹುಕ
ಮಿನಮೇರೆಗೆ ವರ್ತಿಸುವ ಯಾವನೊಬ್ಬ ಮನುಷ್ಯನು ಯಾವದಾದರೂ ನೀರಾವರಿಯ ಯಾ ನೀರು ಹರಿಯ
ಸುವ ಕಾಮಗಾರಿಗೆ ಲಗತ್ತಿರುವ ಯಾ ನೆರೆಕರೆಯಲ್ಲಿರುವ ಯಾವದಾದರೂ ಜಮಿನಿನಲ್ಲಿ ಯಾವ ಕಾಲ
ಲ್ಲಾದರೂ ಪ್ರವೇಶಿಸಬಹುದು, ಮತ್ತು ಹಾಳಿ ಇರುವ ಯಾವದಾದರೂ ಕಾಮಗಾರಿಯನ್ನು ದುರುಸ್ತು ಪಡಿಸ
ಹುದು, ಯಾವದಾದರೂ ಹೊಸ ಕಾಮಗಾರಿಯನ್ನು ಕಟ್ಟಿಸಬಹುದು, ಯಾವದಾದರೂ ಸಾಮಾನನ್ನು ತೆಗೆದ
ಉಪಯೋಗಿಸಲು ಬಹುದು, ಮತ್ತು ಅಂಥಾ ಅಪಾಯವನ್ನು ತಪ್ಪಿಸುವಬಗ್ಗೆ ಅಥವಾ ಯಾವದಾದರೂ ಸೊತ್ತಿ
ನಷ್ಟ ಯಾ ಹಾನಿಯನ್ನು ತಪ್ಪಿಸುವಬಗ್ಗೆ ಅಥವಾ ಅಂಟಾದ ಯಾವದಾದರೂ ಹಾನಿಯನ್ನು ದುರುಸ್ತು
ಪಡಿಸುವಬಗ್ಗೆ ಆತನ ಅಭಿಪ್ರಾಯದಪ್ರಕಾರ ಅವಶ್ಯವೆಂದು ತೋರುವ ಯಾವವಾದರೂ ಏರ್ಪಾಡುಗಳನ್ನು
ಮಾಡಲೂ ಕಾರ್ಯಗಳನ್ನು ನಡೆಯಿಸಲೂ ಬಹುದು.

15- ಯಾವನಾದರೂ ಇರಿಗೇಷನ್ ಆಫಿಸರನು – ಯಾ – ಇತರ ಮನುಷ್ಯನು, ಈ ಅಧ್ಯಾಯದಮೇರೆಗೆ ಕೊಡಲ್ಪಟ್ಟ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುವಲ್ಲಿ, ಯಾವದೊಂದು ನೀರಾವರೀ ಕಾಮಗಾರಿಯಿಂದ ನೀರು ಹರಿಯದೆ ಇರುವ ಯಾವದಾದರೂ ಕಟ್ಟಡದಲ್ಲಿ ಆಗಲಿ, ನಿವಾಸದಮನೆಗೆ ತಗಲಿ ಆವರಣಸಿರುವ ಅಂಗಳ – ಯಾ – ತೋಟದಲ್ಲಾಗಲಿ ಭೋಗೋಟೆದಾರನ ಅನುಮತಿಯೆ ವಿನಾ ಪ್ರವೇಶಿಸೆಲು ಇರಾಧಿಸುವಪಕ್ಷದಲ್ಲಿ, ತನ್ನ ಸೆದರೀ ಇರಾಧೆಯನ್ನು ಕುರಿತು ಅಂಥಾ ಕಟ್ಟೋಣದ, ಅಂಗಳದ – ಯಾ – ತೋಟದ ಭೋಗೋಟೆದಾರನಿಗೆ ಬರಹಮೂಲವಾಗಿ ನ್ಯಾಯವಾದ ನೋಟೀಸನ್ನು ಮುಂದಾಗಿ ಕೊಡತಕ್ಕದ್ದು

ಮನೆ ಮುಂತಾದವುಗಳಲ್ಲಿ ಪ್ರವೇಶಿಸುವ ಇರಾಧೆಯನ್ನು ಕುರಿತು ನೋಟೀಸು ಕೊಡಿಸೋಣ.

16- ಒಂದು ನೀರಾವರಿಯ - ಯಾ - ನೀರುಹರಿಯಿಸುವ ಕಾಮಗಾರಿಗೆ, ತಕ್ಕ ಕ್ರಮವಾದ ಅಧಿಕಾರದ ವಿನಾ ಯಾವದಾದರೂ ಹಾನಿ, ಬದಲಾವಣೆ, ಬಡಾವಣೆ – ಯಾ – ಆತಂಕ ಮಾಡಲ್ಪಟ್ಟ ಪಕ್ಷದಲ್ಲಿ ಮತ್ತು ಅಂಥಾ ಹಾನಿ, ಬದಲಾವಣೆ, ಬಡಾವಣೆ – ಯಾ – ಆತಂಕಮಾಡಿರುವ ಮನುಷ್ಯನು, ಸಾಕಾದದ್ದೆಂದು ಕಲೆಕ್ಟರರು ತಿಳಿದುಕೊಳ್ಳುವಂಥ ವಿಚಾರಣೆಯನ್ನು ನಡೆಯಿಸಿದಬಳಿಕ ಯಾರೆಂದು ತಿಳಿಯದೆ ಹೋದರೆ – ಯಾ – ಗೊತ್ತಾಗದಿದ್ದರೆ, ಕಲೆಕ್ಟರರು, ಸಂಬಂಧಪಟ್ಟ ಕಛೇರಿಗಳಿಗೆ ನೋಟೀಸುಕೊಟ್ಟು ಅದಕ್ಕೆ ಪ್ರತಿಕೂಲವಾಗಿ ಬರುವ ಯಾವತ್ತೂ ಮನವಿಗಳನ್ನು ಕೇಳಿಕೊಂಡಬಳಿಕ ಅಥವಾ ಮನವಿಗಳನ್ನು ಕಳುಹಿಸುವಬಗ್ಗೆ ಕಲೆಕ್ಟರರು ಸಾಕಾದದ್ದೆಂದು ಭಾವಿಸುವೆಷ್ಟು ಕಾಲಕಳೆದಬಳಿಕ ಅಂಥ ಹಾನಿ, ಬದಲಾವಣೆ, ಬಡಾವಣೆ-ಯಾ-ಆತಂಕದಿಂದ ಪ್ರಯೋಜನಹೊಂದಿರುವದಾಗಿ ತಾನು ಅಭಿಪ್ರಾಯಪಡುವ ಯಾವತ್ತೂ ಭೂಮಿಗಳ ಭೋಗ್ಯೋಟೆದಾರರಿಂದ ಅಂಥಾ ಹಾನಿಯನ್ನು ಸರಿಪಡಿಸುವಬಗ್ಗೆ ಅಥವಾ ಅಂಥಾ ಬದಲಾವಣೆಯನ್ನು, ಬಡಾವಣೆಯನ್ನು – ಯಾ- ಆತಂಕವನ್ನು ನೀಗಿಸುವಬಗ್ಗೆ ತಗಲುವ ಖರ್ಚನ್ನು ಅಂಥಾ ಭೂಮಿಗಳ ತೀರ್ವೆಯ ಇಪ್ಪತ್ತುಪಾಲಿಗೆ ಮೀರದೆ ಒಂದು ದಂಡನೆಯ ಸಹಿತನಾಗಿ ಬರಮಾಡಿಕೊಳ್ಳಬಹುದು. ಈ ಪ್ರಕರಣದಮೇರೆಗೆ ಬರಮಾಡಿಕೊಳ್ಳಬಹುದಾದ ಯಾವದಾದರೂ ವೊಬಲಗನ್ನು ಭೂತೀರ್ವೆಯು ಬಾಕಿಯಾಗಿದ್ದರೆ ಹ್ಯಾಗೋ ಹಾಗೆಯೇ ಬರಮಾಡಿಕೊಳ್ಳಬಹುದು.

ನೀರಾವರಿಯ - ಯಾ - ನೀರುದಾರಿಯ ಕಾಮಗಾರಿಗಳಿಗೆ ಹಾನಿಯುಂಟು ಮಾಡಿದವರು ಯಾರೆಂದು ಗೊತ್ತುಮಾಡಲು ಬಾರದಿದ್ದಾಗ ಅಂಥಾ ಹಾನಿಯಿಂದ ಯಾರ ಜಮೀನುಗಳಿಗೆ ಪ್ರಯೋಜನಸಿಕ್ಕಿದೆಯೋ ಆ ಭೂಮಿಗಳ ಭೋಗೋಟೆದಾರರಿಂದ ಹಾನಿಯನ್ನು ದುರುಸ್ತುಪಡಿಸುವ ಖರ್ಚನ್ನು ವಸೂಲುಮಾಡಿಕೊಳ್ಳಲು ಅಧಿಕಾರವು.

ಈ ಪ್ರಕರಣಕ್ಕನುಗುಣವಾಗಿ ಕಲೆಕ್ಟರರು ಕೊಟ್ಟ ಪ್ರತಿಯೊಂದು ಹುಕ್ಕುಮಿನಮೇಲೆ ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರಬಳಿಗೆ ಒಂದು ಅಪ್ಪೀಲು ಇರುವದು ಮತ್ತು ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರ ತೀರ್ಪು ಕೊನೆಯ ತೀರ್ಮಾನವಾಗಿರತಕ್ಕದ್ದು.

17- ಒಂದು ನೀರಾವರೀ ಕಾಮಗಾರಿಯು ಕೆಲವಂಕ ಎಸ್ಟೇಟಿನ ಜಮೀನಿಗೂ ಕೆಲವಂಕ ಇತರ ಜಮೀನಿಗೂ ಉಪಯೋಗಕರವಾಗಿದ್ದು ಅದೆನ್ನು ದುರುಸ್ತುಪಡಿಸುವದು ಅಗತ್ಯವಾದರೆ, ಕಲೆಕ್ಟರನು, ದುರುಸ್ತಿಯ ಅಂದಾಜು ಖರ್ಚಿನಕುರಿತು ಭೂಮಾಲೀಕನಿಗೆ ನೋಟೀಸುಕೊಟ್ಟು ಆ ಬಗ್ಗೆ ಆತನ ಆಕ್ಷೇಪಣೆಯಾವದೂ ಇದ್ದರೆ ಅದೆನ್ನು ಜಾಹೀರು ಮಾಡಲಿಕ್ಕೆ ಸಂದರ್ಭವೆನ್ನು ಕೊಟ್ಟಬಳಿಕ, ಸೆದರೀ ದುರುಸ್ತಿಯನ್ನು ಮಾಡಿಸಬಹುದು, ಮತ್ತು ಅಂಥಾ ದುರುಸ್ತಿಯನ್ನು ನಡೆಯಿಸುವಬಗ್ಗೆ ತಗಲಿದ ಖರ್ಚುಗಳು, ಅದಕ್ಕೆ ವಿರೋಧವಾದ ಕರಾರು ಯಾವದೂ ಇಲ್ಲದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಸೆದರೀ ನೀರಾವರಿಯ ಕಾಮಗಾರಿಯಕೆಳಗೆ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಗೂ ಸೆದರೀ ಭೂಮಾಲೀಕನಿಗೂ ಇರುವ ಜಮೀನಿನ ವಿಸ್ತೀರ್ಣದ ದಾಮಾಶೆಯಲ್ಲಿ ಗವರ್ನ್‌ಮೆಂಟಿನವರ - ವ - ಭೂಮಾಲೀಕನ ಒಳಗೆ ಹಂಚಿಹಾಕಲ್ಪಡತಕ್ಕದ್ದು :

ಕೆಲವಂಕ ಎಸ್ಟೇಟುಗಳಿಗೂ ಕೆಲವಂಕ ಗವರ್ನ್‌ಮೆಂಟು ಭೂಮಿಗೂ ಉಪಯೋಗಕರವಾದ ನೀರಾವರೀ ಕಾಮಗಾರಿಗಳನ್ನು ದುರುಸ್ತು ಪಡಿಸುವ ಖರ್ಚಿನಬಗ್ಗೆ ಸಹಾಯ ದ್ರವ್ಯವನ್ನು ವಸೂಲುಮಾಡಲು ಅಧಿಕಾರವು.

ಪರಂತು ಅಂಥ ದುರುಸ್ತಿಯ ಖರ್ಚನ್ನು ವಿಭಾಗಿಸಿ ಹಾಕುವಾಗ 1865 ನೇ ಇಸವಿಯ ನಂ. 7 ನೇ ಮದ್ರಾಸ್ ನೀರಾವರಿ ಶಿಸ್ತಿನ ಆಕ್ಟ್ಮೇರೆಗೆ ಭೂಮಾಲೀಕನಮೇಲೆ ನೀರು ತೆರಿಗೆ ಹೊರಿಸಲ್ಪಟ್ಟ ಯಾವದಾದರೂ ವಿಸ್ತೀರ್ಣವನ್ನು ತೆಳ್ಳಿಬಿಡತಕ್ಕದ್ದು

ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಒಬ್ಬ ಭೂಮಾಲೀಕನಿಂದ ವಸೂಲಮಾಡಲ್ಪಡತಕ್ಕ ಎಲ್ಲಾ ಖರ್ಚುಗಳು ಭೂತೀರ್ವೆಯು ಬಾಕಿಯಾಗಿದ್ದರೆ ಹ್ಯಾಗೋ ಹಾಗೆಯೇ ಬರಮಾಡಿಕೊಳ್ಳಲ್ಪಡತಕ್ಕವಾಗಿವೆ.

ಕೈ ತೋಡುಗಳನ್ನು ಕುರಿತ

18. ಒಂದು ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸಬೇಕಾಗಿ ಅಪೇಕ್ಷೆಯುಳ್ಳ ಯಾವ ಮನುಷ್ಯನಾದರೂ ಅರ್ಜಿದಾರನ ಖರ್ಚಿನಿಂದ ಸದರೀ ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸಿಕೊಡಬೇಕಾಗಿಯೂ ಒಂದು ಕೈತೋಡನ್ನು ಮಾಡಿಕೊಡ ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಅವಶ್ಯವಿರುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ಬೇಕಾಗಿ ಮನವಿ ನಡೆಯಿಸಬೇಕಾಗಿಯೂ, ಆತನನು ಆಪೇಕ್ಷಿಸಿ, ಇರಿಗೇಷ್ಣ ಆಫಿಸರನಿಗೆ ಬರಹವ್ಮೂಲವಾಗಿ ಮನವಿಮಾಡಬಹುದು.

19. ಅಂಥಾ ಒಂದು ಕೈ ತೋಡನ್ನು ಮಾಡಿಸುವದು ಯುಕ್ತವೆಂದು ಇರಿಗೇಷನ್ ಆಫಿಸರನು ತಿಳಿದು ಕೊಳ್ಳುವ ಪಕ್ಷದಲ್ಲಿ, ಪೂರ್ವಭಾವಿಯಾಗಿ ನಡೆಯಲ್ಪಡತಕ್ಕ ವ್ಯವಹಾರಣೆಗಳ ಖರ್ಚಿನ ಬಗ್ಗೆ ಮತ್ತು ಬಹುಕಃ ಪಾವತಿಮಾಡಲ್ಪಡಬೇಕಾಗುವ ಪರಿಹಾರ ದ್ರವ್ಯದ ಮೊಬಲಗಿನ ಬಗ್ಗೆ ಅಗತ್ಯವೆಂದು ತಾನು ತಿಳಿದುಕೊಳ್ಳುವಷ್ಟು ಮೊಬಲಗನ್ನು ಠೇವಣಿ ಇಡಬೇಕಾಗಿ ಮನವಿದಾರನನ್ನು ಕೇಳಬಹುದು, ಮತ್ತು ಅಂಥಾ ಠೇವಣಿ ಇಡೋಣಾದ ಮೇಲೆ ಸದರೀ ಕೈತೋಡಿನ ಬಗ್ಗೆ ಅತಿ ಯೋಗ್ಯವಾದ ಸಮೀಕ್ಷೆ ಯಾವದು ಎಂಬುದನ್ನು ಗೊತ್ತುಮಾಡಿಕೊಳ್ಳುವಬಗ್ಗೆ ಅವನು ವಿಚಾರಣೆ ಮಾಡಿಸತಕ್ಕದ್ದು, ಮತ್ತು ಅದನ್ನು ಮಾಡಿಸುವಬಗ್ಗೆ ಬೇಕಾಗುವದೆಂದು ತನ್ನ ಅಭಿಪ್ರಾಯದ ಪ್ರಕಾರ ಅಗತ್ಯವಿರುವ ಜವಿನಿಗೆ ನಿಶಾನಿ ಹಾಕಿಸತಕ್ಕದ್ದು. ಮತ್ತು ಸದರೀ ಕೈತೋಡನ್ನು ಯಾವ ಯಾವ ಗ್ರಾಮದಿಂದ ಕೊಂಡುಹೋಗುವರೆ ಇರಾಧಿಸಿರುವದೋ ಅಂಥಾ ಪ್ರತಿ ಗ್ರಾಮದಲ್ಲಿಯೂ ಆಯಾ ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಿಸುವ ಅಷ್ಟಷ್ಟು ಜವಿನಿಗೆ ನಿಶಾನಿ ಹಾಕಲ್ಪಟ್ಟಿದೆಯೆಂದು ಕೂಡಲೇ ಒಂದು ನೋಟಿಸನ್ನು ಪ್ರಕಟಪಡಿಸತಕ್ಕದ್ದು. ಮತ್ತು ಅಂಥಾ ನೋಟಿಸಿನ ಒಂದು ಪ್ರತಿಯನ್ನು ಅಂಥಾ ಜವಿನಿನಲ್ಲಿ ಫಾಯಿಷ್‌ಮಾಡುವ ಬಗ್ಗಾಗಿ ಜವಿನು ಇರುವ ಪ್ರತಿಯೊಂದು ಜಿಲ್ಲೆಯ ಕಲೆಕ್ಟರರ ಬಳಿಗೆ ಕಳುಹಿಸತಕ್ಕದ್ದು.

ಸದರೀ ನೋಟಿಸಿನಲ್ಲಿ ಅಂಥಾ ಕೈತೋಡಿನ ಮುಖಾಂತರ ನೀರು ಸರಬರಾಯಿಯನ್ನು ದೊರಕಿಸಿಕೊಳ್ಳುವ ಬಗ್ಗೆ ಅಪೇಕ್ಷೆಯುಳ್ಳ ಯಾವ ಮನುಷ್ಯನಾದರೂ ಅಂಥಾ ನೋಟಿಸು ಫಾಯಿಷ್‌ಮಾಡಲ್ಪಟ್ಟ ಮೂವತ್ತು ದಿವಸಗಳೊಳಗಾಗಿ ಅದನ್ನು ಕುರಿತು ಇರಿಗೇಷನ್ ಆಫಿಸರನಿಗೆ ತನ್ನ ಮನವಿಯನ್ನು ಮಾಡಬೇಕಾಗಿ ನಮೂದಿಸಿರತಕ್ಕದ್ದು. ಅಂಥಾ ಯಾವ ಮನವಿದಾರನಾದರೂ ಹಾಜರಾದ ಪಕ್ಷದಲ್ಲಿ ಮತ್ತು ಆತನ ಅರ್ಜಿಯು ಅಂಗೀಕರಿಸಲ್ಪಟ್ಟ ಪಕ್ಷದಲ್ಲಿ ಆತನು ಅಂಥಾ ಕೈ ತೋಡನ್ನು ಕಟ್ಟಿಸುವಲ್ಲಿಯೂ ಅದರ ಬಗ್ಗೆ ಜವಿನನ್ನು ಫಳಿಸಿಕೊಳ್ಳುವ ಖರ್ಚಿನಲ್ಲಿಯೂ ಆತನ ಹಿಸ್ಸೆಯ ವಿಷಯವಾಗಿ ಪಾವತಿಮಾಡಲು ಬಗ್ಗೆ ಗಿರತಕ್ಕದ್ದು.

ಆಕ್ಷೇಪಣೆಗಳ ವಿಷಯವಾಗಿ ವಿಚಾರಣೆ.

20. 19ನೇ ಪ್ರಕರಣದ (1)ನೇ ಕ್ಲಾಜಗನುಗುಣವಾದ ಒಂದು ನೋಟಿಸು ಫಾಯಿಷ್‌ಮಾಡಲ್ಪಟ್ಟ ಮೂವತ್ತು ದಿವಸಗಳೊಳಗಾಗಿ, ಇರಾಧಿಸಲ್ಪಟ್ಟ ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸುವದರಿಂದ ಬಹುಕಃ ಬಾಧಕವುಂಟಾಗುವ ಅಥವಾ ಅಂಥಾ ಕೈತೋಡು ವ್ಯಾಪಿಸತಕ್ಕ ಜವಿನಿನಲ್ಲಿ ಹಕ್ಕುಳ್ಳ ಯಾವ ಮನುಷ್ಯನಾದರೂ ಸದರೀ ಇರಾಧಿಸೋಣಾದ ಕಟ್ಟುವಿಕೆಯ ಕುರಿತು ತನ್ನ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ನಮೂದಿಸಿ ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರಿಗೆ ಅರ್ಜಿಯ ಮೂಲಕ ಜ್ಞಾಪಿಸಿರುಮಾಡಬಹುದು. ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರು, ವಿಚಾರಣೆಯು ಯಾವ ಕಾಲದಲ್ಲಿ ಯಾವ ಸ್ಥಳದಲ್ಲಿ ನಡೆಯಿಸಲ್ಪಡುವದೆಂದು ಇರಿಗೇಷನ್ ಆಫಿಸರನಿಗೆ ಮುಂಚಿತವಾಗಿ ನೋಟಿಸು ಕೊಟ ಬಳಿಕ ಅಂಥಾ ಆಕ್ಷೇಪಣೆಯ ಸಿದ್ಧಿತೆಯ ಕುರಿತು ವಿಚಾರಣೆಯನ್ನು ನಡೆಯಿಸತಕ್ಕದ್ದು.

ಇರಾಧಿಸಲ್ಪಟ್ಟ ಕೈತೋಡು ಒಂದಕ್ಕಿಂತ ಅಧಿಕ ಜಿಲ್ಲೆಗಳೊಳಗೆ ಹಾದು ಹೋಗುವ ಪಕ್ಷದಲ್ಲಿ ಸದರೀ ಕೈತೋಡಿನ (ನೆತ್ತಿ) ಮೂಲಸ್ಥಾನವಿರುವ ಜಿಲ್ಲೆಯ ಕಲೆಕ್ಟರನು ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರಾಗಿರತಕ್ಕದ್ದು.

ಆಕ್ಟಿನ ನಿಬಂಧನೆಗಳಿಗನುಗುಣವಾಗಿ, ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಸದರೀ ಆಕ್ಟಿನ 6 ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅದನ್ನು ಹಿಳಿಸಿ ಕೊಳ್ಳುವ ಬಗೆ ಒಂದು ಡಿಕ್ಲರೇಷನು ಸಾದರುಮಾಡಿದ್ದರೆ ಹ್ಯಾಗೋ, ಮತ್ತು ತದನಂತರ ಸದರೀ ಆಕ್ಟಿನ 7 ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಂಥಾ ಜವಿೂನನ್ನು ಹಿಳಿಸಿಕೊಳ್ಳುವರೆ ಹುಕುಮು ಪಡೆಯುವಂತೆ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಕಲೆಕ್ಟರನಿಗೆ ಆಜ್ಞಾಪಿಸಿರುತ್ತಿದ್ದರೆ ಹ್ಯಾಗೋ, ಮತ್ತು (ಅಗತ್ಯವಿದ್ದರೆ) ಸದರೀ ಆಕ್ಟಿನ 17 ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಮ್ಮರಿಯಾಗಿ ಸ್ವಾಧೀನತೆಯನ್ನು ಕೊಂಡುವಬಗ್ಗೆ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಹುಕುಂ ಸಾದರುಮಾಡಿರುತ್ತಿದ್ದರೆ ಹ್ಯಾಗೋ ಹಾಗೆಯೇ ಹಿಳಿಸಿಕೊಳ್ಳಲು ಅಧಿಕಾರಿಯಿಸತಕ್ಕದ್ದು.

ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರನು ಯಾವದೊಂದು ಆಕ್ಷೇಪಣೆಯು ಸಾಧುವಾದದ್ದಿಂದು ತಿಳಿದುಕೊಳ್ಳುವದಾದರೆ, ಆತನು ಆ ಪ್ರಕಾರ ಇರಿಗೇಷನ್ ಆಫಿಸರನಿಗೆ ತಿಳಿಯಪಡಿಸತಕ್ಕದ್ದು. ಮತ್ತು ಇರಿಗೇಷನ್ ಆಫಿಸರನು ತನಗೆ ಯುಕ್ತವೆಂದು ತೋರಿದರೆ ಇರಾಧಿಸಲ್ಪಟ್ಟ ಕೈತೋಡಿನ ಮಾರ್ಗವನ್ನು ತಬದೀಲುಮಾಡಬಹುದು, ಮತ್ತು ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರನು ಸದರೀ ಬದಲಾವಣೆಯಿಂದ ಬಹುಶಃ ಬಾಧಕ ಉಂಟಾಗುವ ಜನರಿಗೆ ನೋಟಿಸುಕೊಟ ಬಳಿಕ ಅಂಥಾ ಕೈತೋಡನು ಕಟ್ಟತಕ್ಕದ್ದೋ ಬೇಡವೋ ಎಂಬುದನ್ನು ತೀರ್ಮಾನಿಸತಕ್ಕದ್ದು.

ಹಿಳಿಸಿಕೊಳ್ಳಲು ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟ ಆಫಿಸರರು

22. ಹಿಳಿಸಿಕೊಳ್ಳತಕ್ಕ ಜವಿೂನುಗಳು ಬೇರೆ ಬೇರೆ ಜಿಲ್ಲೆಗಳಲ್ಲಿರುತ್ತವಾದರೆ ಹಿಳಸೋಣವು ಸದರೀ ಜವಿೂನುಗಳಿಗೆ ಬಹುದಾದ ಆಯಾ ಜಿಲ್ಲೆಗಳ ಕಲೆಕ್ಟರರಿಂದ ಜರಗಿಸಲ್ಪಡತಕ್ಕದ್ದು.

ಕೈತೋಡಿನಬಗ್ಗೆ ಜವಿೂನು ಹಿಳಿಸಲ್ಪಟ್ಟ ತರುವಾಯ ಅನುಸರಿಸತಕ್ಕ ನಡವಳಿಕೆ

23. ಜವಿೂನು ಹಿಳಿಸಿಕೊಳ್ಳಲ್ಪಟ್ಟ ಬಳಿಕ, ಇರಿಗೇಷನ್ ಆಫಿಸರನು ಸದರೀ ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸಲಿಕ್ಕೆ ಮನವಿದಾರನಿಗೆ ಅನುಮತಿಕೊಡಲು ಆಥವಾ ತಾನೇ ಅದನ್ನು ಕಟ್ಟಿಸಲು ತಕ್ಕದ್ದು. ಪರಂತು ಸದರೀ ಜವಿೂನನ್ನು ಹಿಳಿಸುವೆ ಸಂಬಂಧವಾಗಿ ಆತನಿಂದ ಸಲ್ಲಬೇಕಾಗುವ ಯಾವದಾದರೂ ವೊಬಲಗನ್ನು ಆತನು ಪಾವತಿಮಾಡುವವರೆಗೆ ಯಾವ ಮನವಿದಾರನಿಗೂ ಒಂದು ನೀರು ದಾರಿಯನ್ನು ಕಟ್ಟಿಸಲು ಅನುಮತಿಕೊಡತಕ್ಕದ್ದಲ್ಲ.

ಇರಿಗೇಷನ್ ಆಫಿಸರನು ಅಂಥಾ ಕೈತೋಡನ್ನು ತಾನು ಸ್ವತಃ ಕಟ್ಟಿಸುವ ಪಕ್ಷದಲ್ಲಿ, ಆತನು ಅದು ಸಂಪೂರ್ಣವಾಗುತ್ತಲೆ 18 ನೇ - ವ - 19 ನೇ ಪ್ರಕರಣಗಳ ಮೇರೆಗೆ ಮನವಿದಾರನಿಗೆ – ಯಾ - ಮನವಿದಾರರಿಗೆ ಅದನ್ನು ಕುರಿತು ಮತ್ತು ಜವಿೂನನ್ನು ಹಿಳಿಸುವೆ – ಯಾ – ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸುವೆ ಖರ್ಚಿನ ಸಂಬಂಧವಾಗಿ ಅವರಿಂದ ಬರತಕ್ಕ ಯಾವವಾದರೂ ವೊಬಲಗುಗಳ ಕುರಿತು ನೋಟಿಸು ಕೊಡತಕ್ಕದ್ದು.

ಈ ಪ್ರಕರಣಕ್ಕನುಗುಣವಾಗಿ ಬರಬೇಕಾದ ಯಾವದಾದರೂ ಪರಿಹಾರದ್ರವ್ಯವನ್ನು –ಯಾ– ಖರ್ಚುಗಳನ್ನು ಯಾವದಾದರೂ ತಗಾದೆಗನುಗುಣವಾಗಿ ಪಾವತಿಸಿಕೊಡದಿದ್ದಿದ್ದರೆ, ಅದನ್ನು ಬೊತಿಂರ್ದಯು ಬಾಕಿಯೆಂದು ಗಿದ್ದರೆ ಹ್ಯಾಗೋ ಹಾಗೆಯೇ ಬರಮಾಡಿಕೊಳ್ಳತಕ್ಕದ್ದು.

ಜವಿೂನಿನ ಸ್ವಾಧೀನತೆಯೊಪ್ಪಿಸಲ್ಪಟ್ಟ ಮನವಿದಾರನನು ಬದ್ದಪಡಿಸುವ ಷರತುಗಳು.

24- ಯಾವ ಮನವಿದಾರನಿಗಾದರೂ ಒಂದು ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸುವಬಗ್ಗೆ ಹಿಂದಿನಕಡೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅನುಮತಿ ಕೊಡಲ್ಪಟ್ಟಾಗ ಈ ಕೆಳಗಿನ ಕ್ರಮಗಳು ಮತ್ತು ಷರತುಗಳು ಆತನಿಗೂ, ಹಕ್ಕುದಾರರಾದ ಆತನ ಪ್ರತಿನಿಧಿಗಳಿಗೂ ಬದ್ದಪಡಿಸತಕ್ಕವಾಗಿವೆ-

ಮೊದಲನೆಯದು-—ಅಂಥಾ ಕೈತೋಡನ್ನು ದಾಟಿ ಹೋಗುವ – ವ - ಅದನ್ನು ಕಟ್ಟಿಸುವದಕ್ಕಿಂತ ಮುಂಚೆಯೇ ಯಿದ್ದ ಕೈತೋಡುಗಳ -ವ– ಸದರೀ ಕೈತೋಡಿನಿಂದ ಆತಂಕಿಸಲ್ಪಟ್ಟ ನೀರುದಾರಿಯ ಹರಿಯುವಿಕೆಯಬಗ್ಗೆ ಮತ್ತು ನೆರೆಹೊರೆಯಲ್ಲಿರುವ ಜವಿೂನುಗಳ ಭೋಗ್ಯೋಟಿದಾರರ ಅನುಕೂಲತೆಯಬಗ್ಗೆ ಅದರ ಮೇಲಿನಿಂದ ಹೋಗುವರೆ ಯೋಗ್ಯವಾದ ಮಾರ್ಗಗಳನ್ನು ಒದಗಿಸುವ ಬಗ್ಗೆ ಅವಶ್ಯವಿರುವ ಎಲ್ಲಾ ಕಾಮುಗಾರಿಗಳನ್ನು ಮನವಿದಾರನು ಕಟ್ಟಿಸತಕ್ಕದ್ದು ಮತ್ತು ಇರಿಗೇಷನ್ ಆಫಿಸರನು ತೃಪ್ತಿಪಡುವ ರೀತಿಯಲ್ಲಿ ಆತನು ಅವುಗಳನ್ನು ಕಾಪಾಡತಕ್ಕದ್ದು.

ಎರಡನೆಯದು-—21 ನೇ ಪ್ರಕರಣದ ನಿಬಂಧನೆಗಳ ಮೇರೆಗೆ ಒಂದು ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸುವ ಉದ್ದೇಶವಾಗಿ ಪಡೆದ ಜವಿೂನನ್ನು ಅಂಥಾ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮಾತ್ರವೇ ಉಪಯೋಗಿಸತಕ್ಕದ್ದು.

ಮೂರನೆಯದು-—ಇರಾಧಿಸಲ್ಪಟ್ಟ ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸುವಬಗ್ಗೆ ಮನವಿದಾರನಿಗೆ ಅಪ್ಪಣೆ ಕೊಡಲ್ಪಟ್ಟ ಒಂದು ವರ್ಷದೊಳಗಾಗಿ ಅದನ್ನು ಇರಿಗೇಷನ್ ಆಫಿಸರನು ತೃಪ್ತಿಪಡುವ ರೀತಿಯಲ್ಲಿ ಮುಗಿಸ

ಪರಂತು ಇರಿಗೇಷನ್ ಆಫೀಸರನು ತನ್ನ ಮುನಾಸಬು ಮೇರೆಗೆ ಈ ವ್ಯಾಖ್ಯಾನವನ್ನು ಹಚ್ಚಿ ಸ ಬಹುದು.

ಈ ಪ್ರಕರಣದಿಂದ ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟ ಯಾವವ್ಯಾದರೂ ಕ್ರಮಗಳನ್ನು ಮತ್ತು ಷರತುಗಳನ್ನು ನೆರವೇ ರಿಸದಿದ್ದೇ ಹೋದರೆ, ಅಂಥಾ ಕೈತೋಡಿನ ಮುಖಾಂತರ ನೀರು ಸರಬರಾಯಿಯನ್ನು ಸ್ಥಾಂದಲಿಕ್ಕೆ ಅರ್ಜಿದಾರನ ಅಥವಾ ಹಕ್ಕುದಾರನಾದ ಆತನ ಪ್ರತಿನಿಧಿಯ ಹಕ್ಕನ್ನು ಕಲೆಕ್ಟರರು ನಿಲ್ಲಿಸಿಬಿಡಬಹುದು

ಬಡಾವಣೆ -ಯಾ- ತಬದೀಲಿಗಳಬಗ್ಗೆ ಮಾಡಲ್ಪಟ್ಟ ಪ್ರಸ್ತಾವಗಳ ಕುರಿತು ಅಸು ರಿಸತಕ್ಕ ನಡವಳಿಕೆ.

25. 18 ರಿಂದ 24 ರ ವರೆಗಿನ ಪ್ರಕರಣಗಳಲ್ಲಿ ಸಂಬಂಧಿಸಲ್ಪ ಟ್ಟ ರುವ ನಡೆನಿಲಿಕೆಯು ಒಂದು ಕೈತೋಡಿನ ಬಡಾವಣೆ, ಅಭಿವೃದ್ಧಿ - ಯಾ - ತಬದೀಲಿಯಬಗ್ಗೆ ಮಾಡಲ್ಪಟ್ಟ ಯಾವದಾದರೂ ಅರ್ಜಿಗೂ ಲಗಾವಾಗತಕ್ಕದ್ದು.

ಕೈತೋಡುಗಳನ್ನು ಕಟ್ಟಿಸುವಬಗ್ಗೆ ಜಮೀನುಗಳಲ್ಲಿ ಪ್ರವೇಶಿಸಲು ಅಧಿಕಾರ ಪ್ರ.

26. (1) ಈ ಕುರಿತು ಕ್ರಮಪ್ರಕಾರ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟ ಯಾವನಾದರೂ ಇರಿಗೇಷನ್ ಆಫೀಸರನು ಮತ್ತು ಅಂಥಾ ಇರಿಗೇಷನ್ ಆಫೀಸರನ ವಿಶೇಷ ಹುಕುಮುಗಳ ವ್ಯಾಪ್ತಿಗೆ ವರ್ತಿಸುವ ಯಾವನಾದರೂ ಮನುಷ್ಯನು ಒಂದು ನೀರಾವರೀ ಕಾ ಮಗಾರಿಯ ನೆರೆಹೊರೆಯಲ್ಲಿರುವ ಯಾವದಾದರೂ ಜಮೀನಿನಲ್ಲಿ ಪ್ರವೇ ಶಿಸಬಹುದು ಮತ್ತು ತನಗೆ ಅಗತ್ಯವೆಂದು ತೋರುವಂಥ ಕೈತೋಡುಗಳ ನ್ನು ರೇಖೆ ಹಾಕಿ ಅಂಕಿಸಲು - ವ - ಕಟ್ಟಿಸಲು ಬಹುದು, ಅಥವಾ ಪಕ್ಕವಿರುವ ಯಾವದಾದರೂ ಕೈತೋ ಡನ್ನು ವಿಸ್ತಾರಪಡಿಸಲು - ವ - ಅಭಿವೃದ್ಧಿಪಡಿಸಲು ಬಹುದು.

(2) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವವಾದರೂ ವರ್ತಾಡುಗಳನ್ನು ನಡೆಯಿಸುವದಕ್ಕಿಂತ ಮುಂಚೆ 8 ರಿಂದ 21 ರ ವರೆಗಿನ ಪ್ರಕರಣಗಳಲ್ಲಿ ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟ ನಡವಳಿಕೆಯನ್ನು ಎಷ್ಟಾಗಿ ವಿರುವಷ್ಟರ ಮಟ್ಟಿಗೆ ಅನುಸರಿಸತಕ್ಕದ್ದು.

ಪರಂತು (2) ನೇ ಒಳ ಕ್ಲಾಜು, ಒಂದು ನೀರಾವರಿ ಕಾಮಗಾರಿಗೆ ಜೋಡಿಸಲ್ಪಟ್ಟ ರುವ ಒಂದು ಸರ ಕಾರಿ ತೋಡಿನಿಂದ, ಸದರೀ ತೋಡು ಕಟ್ಟಿಸಲ್ಪಡುವ ಕಾಲದಲ್ಲಿ ಅಥವಾ ಅದು ನೀರಾವರಿಯಬಗ್ಗೆ ತೆರೆಯ ಲ್ಪಟ್ಟ ತರುವಾಯ ಮೂರು ವರ್ಷಗಳ ಒಳಗೆ, ಒದಗಿಸಲ್ಪಟ್ಟ -ಯಾ- ಒದಗಿಸಲು ಇರಾಧಿಸಲ್ಪಟ್ಟ ಒಂದು ಕೈತೋಡನ್ನು ರೇಖೆ ಹಾಕಿ ಅಂಕಿಸಲು, ಕಟ್ಟಿಸಲು - ಯಾ - ಅಭಿವೃದ್ಧಿಪಡಿಸಲು ಮಾಡಲ್ಪಡುವ ಯಾವ ವರ್ತಾಡುಗಳಿಗಾದರೂ ಲಗಾವಾಗತಕ್ಕದ್ದಲ್ಲ.

ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರು ಅಂಥಾ ಯಾವದಾದರೂ ಕೈತೋಡಿನಬಗ್ಗೆ ಅವಶ್ಯವಿರುವ ಜಮೀನನ್ನು 21 ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿಬಂಧಿಸಲ್ಪಟ್ಟಿರುವ ರೀತಿಯಲ್ಲಿ ರೇಖೆ ಹಾಕಿ ಅಂಕಿಸಲು ಯಾವದೊಂದು ಆಕ್ಷೇಪಣೆಯು ಬರಲ್ಪಡದಿದ್ದರೆ ಹಾಗೆಯೇ ಹಾಗೆಯೂ ಖಚಿತಿಸಿಕೊಳ್ಳಬಹುದು.

ಕೈತೋಡುಗಳನ್ನು ಕಟ್ಟಿಸುವ ಖರ್ಚನ್ನು, ಜಮೀನುಗಳ ಮಾಲೀಕರ - ರಾ - ಭೋಗೋಟಿದಾರರ ಜಳಗೆ ಹಂಚಿ ಹಾಕತಕ್ಕದ್ದು.

6 ನೇ ಪ್ರಕರಣದಮೇರೆಗೆ ಒಂದು ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸುವ - ಯಾ - ವಿಸ್ತಾರಗೊಳಿಸುವ ಖರ್ಚನ್ನು ಈ ಸಂಬಂಧವಾಗಿ ಪಾವತಿಮಾಡಬೇಕಾಗುವ - ಯಾ - ಪಾವತಿಮಾಡಲ್ಪಟ್ಟ ರಬಹುದಾದ ಯಾವದಾದರೂ ಪರಿಹಾರದ್ರವ್ಯದ ಒಬಲಗಿನ ಸಮೀತವಾಗಿ, ಅಂಥಾ ಜಮೀನಿನ ಮಾಲೀಕರಿಂದ - ಯಾ - ಭೋಗೋಟಿದಾರರಿಂದ; ಅಂಥಾ ಕೈತೋಡಿನಿಂದ ನೀರು ಸರಬರಾಯಿ ಯಾಗುವ ಜಮೀನಿನ ವಿಸ್ತೀರ್ಣದ ದಾಮಾಕೆಯಲ್ಲಿ ಬರಮಾಡಿಕೊಳ್ಳಲು ಕಲೆಕ್ಟರರು ಹುಕುಂಕೊಡ ಬಹುದು.

ಕಲೆಕ್ಟರರು ನಿರ್ಣಯಿಸಬಹುದಾದಂಥ ತಾರೀಖಿನಲ್ಲಿ ಪಾವತಿಯಾಗದೆ ಉಳಿದಿರುವ ಅಂಥಾ ಖರ್ಚನ ಯಾವದಾದರೂ ಅಂಶವು ಭೂಕಂದಾಯದ ಒಂದು ಬಾಕಿಯೆಂಬಂತೆ ಬರಮಾಡಿಕೊಳ್ಳಲ್ಪಡತಕ್ಕದ್ದು.

ಈ ಪ್ರಕರಣದಮೇರೆಗೆ ಒಬ್ಬ ಕಲೆಕ್ಟರನಿಂದ ಕೊಡಲ್ಪಡುವ ಯಾವದಾದರೂ ಹುಕುಮು ರವನ್ನೂ ಬೋರ್ಡಿಗೆ ಅಪ್ಪೀಲುಮಾಡಲ್ಪಡಲು ಒಳಪಟ್ಟಿರತಕ್ಕದ್ದು. ಮತ್ತು ರೆವಿನ್ಯೂ ಬೋರ್ಡಿನವರ ತೀರ್ಪೇ ಕೊನೆಯ ತೀರ್ಮಾನವಾಗಿರತಕ್ಕದ್ದು.

ಮನವಿಮಾಡಲಾಗಿ ಹಾಲಯಿರುವ ಕೈತೋಡಿನ ಮುಖಾಂತರ ನೀರು ಸರಬರಾಯಿ ಮಾಡೋಣ.

28. ಪ್ರಕೃತವಿರುವ ಒಂದು ಕೈತೋಡಿನ ಮುಖಾಂತರ ನೀರು ದೊರಕಿಸಿಕೊಳ್ಳುವಬಗ್ಗೆ ಅಪೇಕ್ಷಿಸುವ ಯಾವ ಮನುಷ್ಯನಾದರೂ ಅಂಥಾ ಕೈತೋಡಿನ ಮುಖಾಂತರವಾಗಿ ನೀರು ಸರಬರಾಯಿ ಮಾಡಿಸಬೇಕಾಗಿ ಇರಿಗೇಷನ್ ಆಫೀಸರನಬಳಿಗ

ತಕ್ಕದ್ದು ಯುಕ್ತವೆಂದು ಇರಿಗೇಷನ್ ಆಫಿಸರನಿಗೆ ತೋರಿದರೆ, ಅವನು ಅಂಥಾ ಕೈತೋಡಿನಿಂದ ನೀರು ಸರಬರಾಯಿಯಾಗುವ ಜಮೀನಿನ ಮೂಲೀಕರಿಗೆ – ಯಾ – ಭೋಗೋಟಿದಾರರಿಗೆ ಅದನ್ನು ಕುರಿತು ನೋಟಿಸು ಸಾದರುಮಾಡಿ, ಅಂಥಾ ನೋಟಿಸಿನಲ್ಲಿ ಸದರೀ ಸರಬರಾಯಿಯನ್ನು ಯಾಕೆ ಆ ಮೇರೆಗೆ ಸಾಗಿಸಕೂಡದು ಎಂಬಬಗ್ಗೆ, ಸದರೀ ನೋಟಿಸಿನ ಸಾದರಾತಿಯ ತಾರೀಖಿನಿಂದ ಹದಿನೈದು ದಿವಸಗಳಿಗೆ ಕಡಿಮೆಯಿಲ್ಲದೆ ಒಂದು ದಿವಸದಲ್ಲಿ ಸೆಬಬುತೋರಿಸಬೇಕಾಗಿ ಅವರನ್ನು ಕೇಳತಕ್ಕದ್ದು; ಮತ್ತು ಇರಿಗೇಷನ್ ಆಫಿಸರನು ವಿಚಾರಣೆಯನ್ನು ನಡೆಯಿಸಿದಬಳಿಕ ಅಂಥಾ ಕೈತೋಡಿನ ಮುಖಾಂತರ ಸದರೀ ಸರಬರಾಯಿಯನ್ನು ಸಾಗಿಸತಕ್ಕದ್ದೋ, ಸಾಗಿಸುವದಾದರೆ ಯಾವ ಷರತುಗಳಮೇರೆಗೆ ಎಂಬುದನ್ನು ನಿರ್ಣಯಿಸಿ ಒಂದು ಹುಕುಮನ್ನು ಕೊಡತಕ್ಕದ್ದು, ಮತ್ತು ಅಂಥಾ ಹುಕುಮು ಮೆನವಿದಾರನನ್ನೂ ಅಂಥೆ ಮೂಲೀಕರು – ಯಾ – ಭೋಗೋಟಿದಾರಗಳನ್ನೂ ಬದ್ಧಪಡಿಸತಕ್ಕದ್ದಾಗಿರುವದು

ಈ ಪ್ರಕರಣಕ್ಕನುಗುಣವಾಗಿ ಇರಿಗೇಷನ್ ಆಫಿಸರನು ಕೊಡುವ ಯಾವದೊಂದು ಹುಕ್ಕುಮಿನಮೇಲೆ ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರಬಳಿಗೆ ಅಪ್ಪೀಲು ಇರತಕ್ಕದ್ದು, ಮತ್ತು ಅವರ ತೀರ್ಪುಕೊನೆಯ ತೀರ್ಮಾನವಾಗಿರತಕ್ಕದ್ದು -

ಇರಿಗೇಷನ್ ಆಫಿಸರನಿಂದ ಹೊರಿಸಲ್ಪಟ್ಟ ಷರತುಗಳನ್ನು ಮೆನವಿದಾರನು ನೆರವೇರಿಸುವವರೆಗೆ ಮತ್ತು ಸದರೀ ಕೈತೋಡಿನ ಮುಖಾಂತರ ನೀರು ಸರಬರಾಯಿಮಾಡಲ್ಪಡುವಬಗ್ಗೆ ಅಗತ್ಯವಿರುವ ಅಂಥಾ ಕೈತೋಡಿನಲ್ಲಿಯೆ ಯಾವದಾದರೂ ಬದಲಾವಣೆಯ ಖರ್ಚನ್ನು ಆತನು ಖಾವತಿಮಾಡುವವರೆಗೆ, ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಒಂದು ಹುಕುಮುಮಾಡಲ್ಪಟ್ಟಿದೆಯೆಂಬ ಸೆಬಬಿನಮೇಲೆ, ಮೆನವಿದಾರನು ನೀರು ಸರಬರಾಯಿಗೆ ಅರ್ಹನಾಗಿರತಕ್ಕದ್ದಲ್ಲ -

ಅಂಥಾ ಮೆನವಿದಾನು, ಅಂಥೆ ಕೈತೋಡನ್ನು ಯಾವವರೆಗೆ ಉಪಯೋಗಿಸುತ್ತಾನೋ ಅದುವರೆಗೆ ಅದನ್ನು ಕಾಪಾಡುವಬಗ್ಗೆ ತಗಲುವ ಖರ್ಚಿನಲ್ಲಿ ಆತನ ಪಾಲನ್ನು ಖಾವತಿಮಾಡಲು ಗುರಿಯಾಗಿರತಕ್ಕದ್ದು -

29- 23, 26 - ವೆ – 28 ನೇ ಪ್ರಕರಣಗಳ ನಿಬಂಧನೆಗಳಮೇರೆಗೆ ಕಟ್ಟಿಸಲ್ಪಟ್ಟ, ವಿಸ್ತಾರಗೊಳಿಸಲ್ಪಟ್ಟ – ಯಾ – ಅಭಿವೃದ್ಧಿಮಾಡಲ್ಪಟ್ಟ ಯಾವ ಕೈತೋಡನ್ನಾದರೂ, ಇರಿಗೇಷನ್ ಆಫಿಸರನ ಅನುಮತಿಯ ವಿನಾ ಬದಲಾಯಿಸಕೂಡದು -

ಕೈತೋಡುಗಳ ತಬದೀಲಿಯು ನಿಷೇಧಿಸಲ್ಪಟ್ಟಿದೆ.

ಒಂದು ಕೈತೋಡಿನಿಂದ ನೀರು ಸರಬರಾಯಿಯನ್ನು ಹೊಂದುವ ಜಮೀನಿನ ಮೂಲೀಕರ – ಯಾ - ಭೋಗೋಟಿದಾರರ ಜವಾಬ್ದಾರಿಗಳು

30- ಒಂದು ಕೈತೋಡಿನಿಂದ ನೀರು ಸರಬರಾಯಿಯನ್ನು ಹೊಂದುವ ಭೂಮಿಯ ಪ್ರತಿಯೊಬ್ಬ ಮೂಲೀಕನು – ಯಾ - ಭೋಗೋಟಿದಾರನು—

(a) ಅಂಥಾ ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸುವ ಕಾಲದಲ್ಲಿ ಉಪಯೋಗದಲ್ಲಿರುವ ಯಾವದಾದರೂ ಭಾಟಾರಸ್ತೆ ಅಥವಾ ನೀರಾವರಿಯ -ಯಾ- ನೀರುದಾರಿಯ ಕಾಮಗಾರಿಗೆ ಅದರ ಮೇಲಿಂದ ಹೋಗುವಬಗ್ಗೆ ಮತ್ತು ಸದರೀ ಕೈತೋಡಿನಿಂದ ಆತಂಕಿಸಲ್ಪಟ್ಟ ನೀರುಧಾರಿಯ ಹರಿಯು ವಿಕೆಯಬಗ್ಗೆ ಮತ್ತು ನೆರೆಹೊರೆಯಲ್ಲಿರುವ ಜಮೀನುಗಳ ಭೋಗೋಟಿದಾರರ ಅನುಕೂಲತೆಯಬಗ್ಗೆ ಅದರ ಮೇಲಿಂದ ಹೋಗುವರೆ ಯೋಗ್ಯವಾದ ಮಾರ್ಗಗಳನ್ನು ಒದಗಿಸುವಬಗ್ಗೆ ಅವಶ್ಯವಿರುವ ಎಲ್ಲಾ ಕಾಮಗಾರಿಗಳನ್ನು ಕಟ್ಟಿಸಲಿಕ್ಕೂ – ವೆ – ಕಾಪಾಡಲಿಕ್ಕೂ;

(b) ಅಂಥಾ ಕೈತೋಡನ್ನು ದುರುಸ್ತಿಮೂಲಕ ಯೋಗ್ಯವಾದ ರೀತಿಯಲ್ಲಿ ಕಾಪಾಡಲಿಕ್ಕೂ;

(c) 28 ನೇ ಪ್ರಕರಣದಮೇರೆಗೆ ಉಂಟಾದ ಒಂದು ಹುಕುಮಿನದೆಸೆಯಿಂದ ಅನರ್ಹನಾಗಿರುವ ಯಾವನಾದರೂ ಮನುಷ್ಯನಿಗೆ ಅದನ್ನು ಉಪಯೋಗಿಸುವರೆ ಬಿಡಲಿಕ್ಕೂ,

ಬದ್ಧನಾಗಿರತಕ್ಕದ್ದು -

31- ಒಂದು ಕೈತೋಡಿನಿಂದ ನೀರಿನ ಸರಬರಾಯಿಯನ್ನು ಹೊಂದುವ ಜಮೀನಿನ ಯಾವ ಮೂಲೀಕನಾದರೂ, ಭೋಗೋಟಿದಾರನಾದರೂ, 30 ನೇ ಪ್ರಕರಣದಿಂದ ಆತನ ಮೇಲೆ ಹೊರಿಸಲ್ಪಟ್ಟ ಯಾವ ಜವಾಬ್ದಾರಿಯನ್ನಾದರೂ ನೆರವೇರಿಸಲು ತಪ್ಪಿದಪಕ್ಷದಲ್ಲಿ, ಈ ಕುರಿತು ಕ್ರಮಪ್ರಕಾರ ಅಧಿಕಾರಹೊಂದಿದ ಯಾವನಾದರೂ ಇರಿಗೇಷನ್ ಆಫಿಸರನು ಒಂದು ನೋಟಿಸುಮೂಲಕ, ಅಂಥಾ ನೋಟಿಸಿನಲ್ಲಿ ನಿರ್ದೇಶಿಸಲ್ಪಡತಕ್ಕ 15 ದಿವಸಗಳಿಗೆ ಕಡಿಮೆ

ಒಂದು ಕೈತೋಡಿನಿಂದ ನೀರು ಸರಬರಾಯಿಹೊಂದುವ ಒಬ್ಬ ಮನುಷ್ಯನು ಜವಾಬ್ದಾರಿಗಳನ್ನು ನೆರವೇರಿಸಲಿಕ್ಕೆ ತಪ್ಪಿದ ಪಕ್ಷದಲ್ಲಿ ಅನುಸರಿಸತಕ್ಕ ನಡವಳಿತೆ.

ಥಿಲ್ಲದೆ ಒಂದು ನಾಯಿದೆಯೊಳಗೆ ಅವಕ್ಯವಿರುವ ಕಾಮಗಾರಿಯನ್ನು ಯಾ ದುರುಸ್ತಿಯನ್ನು ನಡಯ್ಸಿಸ
ಬೇಕಾಗಿ ವಿಧಿಸಬಹುದ್ದು, ಮತ್ತು ತಪ್ಪಿದಪಕ್ಷದಲ್ಲಿ ಆತನಬಗ್ಗಾಗಿ ಅದನ್ನು ಜರಗಿಸಬಹುದು, ಮತ್ತು ಅಂಥ
ಕಾಮಗಾರಿಯನ್ನು ಯಾ ದುರುಸ್ತಿಯನ್ನು ಜರಗಿಸುವಬಗ್ಗೆ ತಗಲಿದ್ದ ಎಲ್ಲಾ ವೆಚ್ಚಗಳನ್ನು ಭೂಕಂ
ದಾಯ ಬಾಕಿಯೋಪಾದಿಯಲ್ಲಿ ಬರಮಾಡಿಕೊಳ್ಳಬಹುದು.

5 ನೇ ಅಧ್ಯಾಯವು.

ಪರಿಹಾರದ್ರವ್ಯ ಕೊಡುವದನ್ನು ಕುರಿತು.

32. ಇದರಲ್ಲಿ ಮುಂದೆ ಅಡಗಿರುವ ನಿಬಂಧನೆಗಳಿಗೊಳಪಟ್ಟು, ಮತ್ತು ಇದಕ್ಕೆ ವ್ಯತಿರಿಕ್ತವಾಗಿ 7 ನೆ
ವಾಸ್ತವವಾಗಿ ಸಂಭವಿಸಿದ ಹಾನಿಯು ಈ ಪ್ರಕರಣದಲ್ಲಿ ಹೇಳಿದ್ದ ರೀತಿಯಲ್ಲಿ ಈ ಆಕ್ಟ್ನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಅಧಿ
ಬಗ್ಗೆ ಕೊಡಲ್ಪಡುವ ಪರಿಹಾರದ್ರವ್ಯ ಕಾರಗಳನ್ನೆಲ್ಲ ಚಲಾಯಿಸಿಕೊಡುವದರಿಂದ ಉಂಟಾದ ಮತ್ತು ಅಂಥಾ ಪರಿಹಾರ
ವು ಸಿಕ್ಕಿದ್ದರಿಂದ ದ್ರವ್ಯವನ್ನು ಕೊಡುವ್ದಕ್ಕಾಲದಲ್ಲಿ ಗೊತ್ತುಮಾಡಿಕೊಳ್ಳಲು – ವ
ಅಂದಾಜುಮಾಡಲು ಸಾಧ್ಯವಾಗಿರುವ ವಾಸ್ತವವಾದ ಯಾವದಾದರೂ ಹಾನಿಯಬಗ್ಗೆ ಪರಿಹಾರದ್ರವ್ಯವನ್ನು
ಕೊಡಲ್ಪಡತಕ್ಕದ್ದು.

(1) ಯಾವ ಹಾನಿಯಬಗ್ಗಾದರೂ, ಅಂಥಾ ಹಾನಿಯು ಪ್ರಥಮತಃ ಸಂಭವಿಸಿದ ಒಂದು ವರ್ಷದ
ಟಿದ್ದ ತರುವಾಯ, ದಾವೇದಾರನಿಗೆ ಅಂಥಾ ನಾಯಿದೆಯೊಳಗಾಗಿ ಸದರಿ ದ್ರಾವೆಯನ್ನು ತಾರದೆ ಯಿರಲಿ
ಸಾಕಾದ ಸಬಬುಯಿತ್ತೆಂದು ಕಲೆಕ್ಟರನು ಸಮಾಧಾನಪಟ್ಟರೇನೆ ವಿನಾ, ಪರಿಹಾರದ್ರವ್ಯದಬಗ್ಗೆ ಯಾ
ದಾವೆಯನ್ನು ದರೂ ಅಂಗೀಕರಿಸತಕ್ಕದ್ದಲ್ಲ.

(2) ನೀರು ಸರಬರಾಯಿಯು ನಿಲ್ಲಿಸಲ್ಪಟ್ಟ – ಯಾ – ಕಡಿಮೆಮಾಡಲ್ಪಟ್ಟ ದರಿಂದ ಉಂಟಾದ ಯಾ
ದಾದರೂ ಹಾನಿಯ – ಯಾ – ನಷ್ಟದಬಗ್ಗೆ, ಅಂಥಾ ಸರಬರಾಯಿಯು 2 ನೇ ಅಧ್ಯಾಯದ 3 ನೇ ಭಾಗದ
ಹಾರಿನ ತಾರೀಖಿನ ಅಥವಾ ಸಂಗತ್ಯನುಸಾರವಾಗಿ, 10 ನೇ ಕ್ಲಾಜಿಗನುಗುಣವಾಗಿ ಗವರ್ನ್ಮೆಂಟಿನವ
ಹುಕುಮು ಫಾಯಿಷ್ಮಾಡಲ್ಪಟ್ಟ ತಾರೀಖಿನ ತತ್ಪೂರ್ವದ ಹನ್ನೆರಡುವರ್ಷಗಳ ಒಳಗೆ, ಅಂಥಾ ಸರಬ
ಯಿಯಕ್ ಉಪಯೋಗಿಸಲ್ಪಟ್ಟದ್ದರಿನೆ ಕೊಡತಕ್ಕದ್ದಲ್ಲ; ಯಾವ ಪರಿಹಾರದ್ರವ್ಯವಾದರೂ ಕೊಡಲ್ಪಡತಕ್ಕದ್ದಲ್ಲ.

(3) (a) ಒಂದು ನೀರಾವರಿ ಕಾಮಗಾರಿಯಿಂದ ನೀರು ಸರಬರಾಯಿಯು ನಿಲ್ಲಿಸಲ್ಪಟ್ಟ – ಯಾ
ಕಡಿಮೆಯಾದಬಗ್ಗೆ, ಅಂಥ ಸರಬರಾಯಿಯು ಈ ಆಕ್ಟ್ ಮೊಂಜೂರಾದ ತರುವಾಯ ಮೊದಲನೆಯ ಸಾರಿ
ದೊರಕಿದ್ದು – ಯಾ ಹೊಂದಿದ್ದು ಆಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ;

(b) ಸರಕಾರಿ ಲೆಕ್ಕಗಳಲ್ಲಿ "ಪುಂಜಿ" ಎಂಬುದಾಗಿ ರಿಜಿಸ್ತ್ರಮಾಡಲ್ಪಟ್ಟ ಯಾವದಾದರ
ಭೂಮಿಗೆ, ಅಥವಾ ಯಾವ ಸರಕಾರಿ ಲೆಕ್ಕವಾದರೂ ಮಾಡಲ್ಪಡದಿದಾಗ ಅಂಥಾ ಹಾಗೆ ನಿಲ್ಲಿಸಲ್ಪಟ್ಟ – ಯಾ
ಕಡಿಮೆಮಾಡಿದ ಲಗತ್ತಿಂದಿನ ಹತ್ತು ವರ್ಷಗಳವರೆಗೆ ಕ್ರಮವಾಗಿ ನೀರಾವರಿಯಾಗದಿದ್ದ ಯಾವದಾದರ
ಭೂಮಿಗೆ ನೀರು ಸರಬರಾಯಿಯು ನಿಲ್ಲಿಸಲ್ಪಟ್ಟ – ಯಾ – ಕಡಿಮೆಯಾದಬಗ್ಗೆ;

(c) ನೀರು ಸರಬರಾಯಿ ನಿಲ್ಲಿಸಲ್ಪಟ್ಟದ್ದು, ಕಡಿಮೆಯಾದದ್ದು – ಯಾ – ಅಧಿಕವಾದದ್ದು ಗ
ರ್ನ್ಮೆಂಟಿನವರ ಅಧೀನವಿಲ್ಲದ್ದ ಕಾರಣಗಳಿಂದ್ರ ಆಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ;

(d) ಯಾವದೊಂದು ನೀರಾವರೀ ಕಾಮಗಾರಿಗೆ ಯಾವವಾದರೂ ದುರುಸ್ತಿಗಳನ್ನು – ಯಾ
ಬದಲಾವಣಿಗಳನ್ನು ಮಾಡುವ – ಯಾ – ಅಧಿಕಾಂಕವನ್ನು ಸೇರಿಸುವ ಗೋಸ್ಕರ ಹಂಗಾಮಿಯಾಗಿ ನೀರು ನಿಲ್ಲಿ
ಲ್ಪಟ್ಟ, ಕಡಿಮೆ ಮಾಡಲ್ಪಟ್ಟ – ಯಾ – ಬಂದ್ ಮಾಡಲ್ಪಟ್ಟ – ಯಾ – ಬಂದ್ ಆಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ;

(e) ಕ್ರಮವಾದ ನೋಟಿಸುಕೊಟ್ಟು ಸ್ಥಳೀಕರಗವರ್ನ್ಮೆಂಟಿನವರಿಂದ ಆಗಿಂದಾಗ್ಗೆ ನಿರ್ದೇ
ಸಿಸಿದ ಅಲ್ಪಕಾಲಗಳಲ್ಲಿ ಹಂಗಾಮಿಯಾಗಿ ನೀರು ಸರಬರಾಯಿ ನಿಲ್ಲಿಸಲ್ಪಟ್ಟ – ಯಾ – ಕಡಿಮೆಮಾಡಿ
ದಾದಬಗ್ಗೆ;

(f) ನೀರಾವರಿಯ ಸಂಬಂಧ ನೀರಿಗೆ ಅರ್ಹರಾಗಿರುವ ಜನರ ನ್ಯಾಯವಾದ ಆವಶ್ಯಕತೆಗಳನ್ನ
ಸರದಿಯಿಂದ ಒದಗಿಸುವ್ದಕ್ಕೆ ಬೇಕಾದಾಗಲೆಲ್ಲ ಮತ್ತು ಬೇಕಾಗುವ ತನಕ ನೀರಿನ ಸರಬರಾಯಿಯು ನಿಲ್ಲಿ
ಸಿ ಕಡಿಮೆಮಾಡಿದ್ದಾಗಿದ್ದ – ಯಾ – ಅಧಿಕವಾದದಬಗ್ಗೆ

(g) ಒಂದು ಕೈತೋಡಿನಿಂದ ದಿರ್ವ್ಯಯವಾಗಿ ನೀರುಹರಿದು ಹೋಗುವದನ್ನು ತಡೆಯಿಸುವಂಥ ಮಾಡಿಕೆಯಾದ ರೀತಿಯಲ್ಲಿ ಕಾಪಾಡಲ್ಪಡದ ಯಾವ ಕೈತೋಡಿಗೆ ಆಗಲಿ ನೀರಿನ ಸರಬರಾಯಿಯು ನಿಲ್ಲಿಸಲ್ಪಟ್ಟ - ಯಾ - ಕಡಿಮೆಮಾಡಲ್ಪಟ್ಟಬಗ್ಗೆ

(h) ನರಯನೀರನ್ನು, ಅಥವಾ ಒಂದು, ಹಳ್ಳವಾಗಿ ಹರಿಯದ ಮತ್ತು ಒಂದು ಮಡುವಿನಲ್ಲಿ, ಕೆರೆಯಲ್ಲಿ - ಯಾ - ಅನ್ಯಥಾ ಕಾಯಮವಾಗಿ ಸಂಗ್ರಹಿಸಲ್ಪಡದೆ ನೆಲದಮೇಲಿನಿಂದ ಹರಿದುಹೋಗುವ ನೀರನ್ನು ಅಥವಾ ಸ್ಪಷ್ಟವಾದಪಾತ್ರವಿರುವ ಒಂದು ತೋಡಿನಲ್ಲಿ ಹರಿಯದೆ ನೆಲದಒಳಗಿನಿಂದ ಹರಿಯುವದಾದ ನೀರನ್ನು ನಿಲ್ಲಿಸಿದ - ಯಾ - ಕಡಿಮೆಮಾಡಿದಬಗ್ಗೆ ;

(i) ನೀರಿನಮೇಲಿನಿಂದ ನಾವೆಗಳನ್ನು ಒಯ್ಯುವ - ಯಾ - ಜಾನುವಾರುಗಳಿಗೆ ನೀರುಕೊಡುವ ಏರ್ಪಾಡುಗಳನ್ನು ನಿಲ್ಲಿಸಿದಬಗ್ಗೆ ;

(j) ಕೆಸರನ್ನು ದೂರಪಡಿಸಿದ, ಅಥವಾ ನೀರಿನ ಫಲೋತ್ಪತ್ತಿಯ ಸತ್ವಗುಣಗಳನ್ನು ಕಡಿಮೆ ಮಾಡಿದಬಗ್

(k) ವಾಯುಗುಣವನ್ನು ಕೆಡಿಸಿದಬಗೆ

(l) ಮೋಹನತನ್ನು ತಪ್ಪಿಸಿದಬಗೆ

ಉಂಟಾದ ಯಾವದಾದರೂ ನಷ್ಟ - ಯಾ - ಆಗಿರುಬಗ್ಗೆ ಯಾವ ಪರಿಹಾರದ್ರವ್ಯವೂ ಕೊಡಲ್ಪಡತಕ್ಕದ್ದಲ್ಲ

ಹಾನಿಯುಂಟಾದ ಸ್ವತ್ತಿನಬಗ್ಗೆ ಪರಿಹಾರದ್ರವ್ಯವು.

33- 11 ನೇ, 12 ನೇ, 13 ನೇ, 14 ನೇ - ಯಾ - 26 ನೇ ಪ್ರಕರಣಕ್ಕನುಗುಣವಾಗಿ ಪ್ರವೇಶಿಸಿದ ಪ್ರತಿಯೊಂದು ಸಂಗತಿಯಲ್ಲಿ, ಅಂಥಾ ಪ್ರವೇಶವನ್ನು ಮಾಡುವ ಇರ್ರಿಗೇಷನ್ ಆಫಿಸರನು - ಯಾ - ಇತರ ಮನುಷ್ಯನು ಸದರೀ ಪ್ರವೇಶದ ದೆಸೆಯಿಂದ ಅಥವಾ ಮೇಲಿನ ಪ್ರಕರಣಗಳಿಗನುಗುಣವಾಗಿ ಮಾಡಲ್ಪಟ್ಟ ಯಾವದೊಂದು ಕಾರ್ಯದ ದೆಸೆಯಿಂದ ಹಾನಿ ಯಾವದೂ ಉಂಟಾಗಿದ್ದರೆ ಅದರ ಪರಿನಿತಿಯನ್ನು ಗೊತ್ತು ಮಾಡಿ ರಿಕಾರ್ಡುಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಪ್ರವೇಶದ ತಾರೀಖಿನಿಂದ ಒಂದು ತಿಂಗಳೊಳಗಾಗಿ, ಇರ್ರಿಗೇಷನ್ ಆಫಿಸರನು ಭೂಮಾಲೀಕನಿಗೆ, ಅಥವಾ ಯಾರ ಸ್ವತ್ತು ಹಾನಿಯಾಗಿರುವದೋ ಅದರ ಮಾಲೀಕನಿಗೆ ಪರಿಹಾರ ದ್ರವ್ಯವನ್ನು ಅರ್ಪಿಸತಕ್ಕದ್ದು - ಹಾನಿಯ ಪರಿಮಿತಿಯ ವಿಷಯವಾಗಿ ಆಗಲಿ, ಅರ್ಪಿಸಿದ ಮೊಬಲಗು ಸಾಕಾದದ್ದೋ ಎಂಬ ವಿಷಯದಲ್ಲಿ ಆಗಲಿ ವಿವಾದ ಹುಟ್ಟಿದ ಸಂಗತಿಯಲ್ಲಿ ಆತನು ಸದರೀ ವಿವಾದವನ್ನು ಕೂಡಲೇ ಕಲೆಕ್ಟರರಿಗೆ ರಿಫರ್ ಮಾಡತಕ್ಕದ್ದು -

ಕಲೆಕ್ಟರರು ವಿವಾದದಲ್ಲಿರುವ ವಿಷಯೆಗಳಕುರಿತು ವಿಚಾರಣೆಯನ್ನು ನಡೆಯಿಸಿ ಪರಿಹಾರದ್ರವ್ಯದ ಮೊಬಲಗನ್ನು ನಿರ್ಣಯಿಸತಕ್ಕದ್ದು -

ಹಾನಿಯು ಪರಿಮಿತಿಯೆ ಅಥವಾ ಪರಿಹಾರದ್ರವ್ಯವು ಸಾಕಾದದ್ದೋ ಎಂಬುದರಕುರಿತು ಕಲೆಕ್ಟರರು ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಮನುಷ್ಯರು ಭಿನ್ನಾಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರಬಳಿಗೆ ಒಂದು ಅಪ್ಪೀಲು ಮಾಡಬಹುದು, ಮತ್ತು ಆತನ ತೀರ್ಪು ಕೊನೆಯ ತೀರ್ಮಾನವಾಗಿರತಕ್ಕದ್ದು -

ಪರಿಹಾರದ್ರವ್ಯದಬಗ್ಗೆ ದಾವೆಗಳನ್ನು ಕಲೆಕ್ಟರರಬಳಿಗೆ ಮಾಡತಕ್ಕದ್ದು.

34- 33 ನೇ ಪ್ರಕರಣದ ನಿಬಂಧನೆಗಳಿಗೊಳಪಟ್ಟು, ಈ ಆಕ್ಟ್‌ನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಿದ ದೆಸೆಯಿಂದ ಸಂಭವಿಸಿದ ಯಾವದಾದರೂ ಹಾನಿಯಕುರಿತು ಪರಿಹಾರದ್ರವ್ಯದಬಗ್ಗೆನ ಯಾವತ್ತೂ ದಾವೆಗಳು, ಪರಿಹಾರದ್ರವ್ಯವು ಯಾವ ಜಮೀನಿನಬಗ್ಗೆ ಕೇಳಲ್ಪಟ್ಟಿರುವದೋ ಆ ಜಮೀನುಯಿರುವ ಸ್ಥಳೀಯ ಪ್ರದೇಶದಲ್ಲಿ ಅಧಿಕಾರವಿರುವ ಕಲೆಕ್ಟರರಬಳಿಗೆ ಮಾಡತಕ್ಕದ್ದು -

ಕಲೆಕ್ಟರರು ಪರಿಹಾರದ್ರವ್ಯದ ಮೊಬಲಗನ್ನು ನಿರ್ಣಯಿಸತಕ್ಕದ್ದು.

35- ಕಲೆಕ್ಟರರು ಹಿಂದಿನ ಪ್ರಕರಣಕ್ಕನುಗುಣವಾದ ಯಾವತ್ತೂ ದಾವೆಗಳ ವಿಷಯವಾಗಿ ವಿಚಾರಣೆನಡೆಯಿಸಿ, ಕೊಡತಕ್ಕ ಪರಿಹಾರದ್ರವ್ಯವು ಯಾವದೂ ಇದ್ದರೆ, ಅದರಮೊಬಲಗನ್ನು ನಿರ್ಣಯಿಸತಕ್ಕದ್ದು -

ಪರಿಹಾರದ್ರವ್ಯವು ಅಂಗೀಕರಿಸಲ್ಪಡದಿದ್ದಾಗ, ಸಿವಿಲ್‌ಕೋರ್ಟಿಗೆ ರೆಫರೆನ್ಸು.

36- ಈ ಆಕ್ಟ್‌ನ ನಿಬಂಧನೆಗಳಮೇರೆಗೆ ಒಬ್ಬ ಮನುಷ್ಯನಿಗೆ ಪರಿಹಾರದ್ರವ್ಯಕ್ಕೆ ಅರ್ಹವಡಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಹಂಗಾಮಿಯಾಗಿ ನೀರು ಸರಬರಾಯು ನಿಲ್ಲಿಸಲ್ಪಟ್ಟ - ಯಾ - ಕಡಿಮೆಮಾಡೋಣಾದ ಸಂಗತಿಗಳಲ್ಲಿ, ಕಲೆಕ್ಟರರಿಂದ ಅರ್ಪಿಸಲ್ಪಟ್ಟ ಪರಿಹಾರ ದ್ರವ್ಯವನ್ನು ದಾವೇದಾರನು ಅಂಗೀಕರಿಸದಿದ್ದರೆ, ಕಲೆಕ್ಟರರು ಆ ವಿಷಯವನ್ನು ಸಿವಿಲ್‌ಕೋರ್ಟಿನವರ ತೀರ್ಮಾನದಬಗ್ಗೆ ರಿಫರುಮಾಡತಕ್ಕದ್ದು -

37. ಈ ಆಕ್ಟಿನ 33 - ನ - 36 ನೇ ಪ್ರಕರಣಗಳಿಕೆಳಗೆ ಬರುವ ಸಂಗತಿಗಳಲ್ಲಿ ಏನಾ, 1894 ನ

ವಿಚಾರಣೆಗಳಲ್ಲಿ ಅನುಸರಿಸಲ್ಪಡತ ಕ್ಕ ನಡವಳಿಕೆ.

ಇಸವಿಯ ಭೂಸಂಪಾದನೆಯ ಆಕ್ಟಿನ ಒಂಬತ್ತರಿಂದ ಹದಿನಾಲ್ಕರವ
ಗಿನ (ಉಭಯ ಪ್ರಕರಣಗಳು ಸೇರಿ), ಹದಿನೈಂಟರಿಂದ ಇಪ್ಪತ್ತರಡ
ವರೆಗಿನ (ಉಭಯ ಪ್ರಕರಣಗಳು ಸೇರಿ), ಇಪ್ಪತ್ತಾರರಿಂದ ಮೂವತ್ತ
ನಾಲ್ಕರ ವರಗಿನ (ಉಭಯಪ್ರಕರಣಗಳು ಸೇರಿ), ನಾಲ್ವತ್ತೈದನೆಯ, ಐವತ್ತೊಂದರಿಂದ ಐವತ್ತೈದರ ವ
ಗಿನ (ಉಭಯ ಪ್ರಕರಣಗಳು ಸೇರಿ) ಪ್ರಕರಣಗಳ ನಿಬಂಧನೆಗಳು ಸಾಧ್ಯವಿರುವಮಟ್ಟಿಗೆ ಮತ್ತು ವಿರೋಧಾಭಾ
ವ್ಯಾಯವು ವ್ಯಕ್ತವಾಗುವಲ್ಲಿ ಏನಾ ಈ ಆಕ್ಟಿನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಿದಬಗ್ಗೆ ಸ
ಪರಿಹಾರದ್ರವ್ಯದಕುರಿತ ದಾವೆಗಳಿಗೆ ಸಂಬಂಧಪಡುವ ಯಾವತ್ತೂ ವಿಚಾರಣೆಗಳಿಗೆ ಲಗಾವಾಗತಕ್ಕದ್ದು.

ನಿಯಮವು

ಪರಂತು ಅಂಥಾ ಯಾವದಾದರೂ ಒಂದೇ ದಾವೆಯಕುರಿತು ಕೊಡುವರೆ ಇರಾಧಿಸಲ್ಪಟ್ಟ ಪರಿಹಾ
ದ್ರವ್ಯದ ಮೊಬಲಗು 5,000 ರೂಪಾಯಿಗಳಿಗೆ ಮಿಾರುವಾಗಾ
ರನು ತನ್ನ ಅವಾರ್ಡನ್ನು ಮಾಡುವದಕ್ಕೆ ಮುಂಚೆ ಅದನ್ನು ರೆವಿನ್ಯೂ
ಬೋರ್ಡಿನವರಿಗೆ ಕಳುಹಿಸತಕ್ಕದ್ದು, ಮತ್ತು ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಈ ಕುರಿತು ಏರ್ಪಡಿಸುವ ಕ್ರಮಗಳ
ಗೊಳಪಟ್ಟು ರೆವಿನ್ಯೂಬೋರ್ಡಿನವರು ಅಂಥ ಯಾವ ಅವಾರ್ಡನ್ನಾದರೂ ತಿದ್ದುಪಡಿಮಾಡಬಹುದು; ಮತ್ತು
ಆ ಮೇರೆಗೆ ತಿದ್ದುಪಡಿಮಾಡಲ್ಪಟ್ಟ ಅವಾರ್ಡು ಕಲೆಕ್ಟರರ ಅವಾರ್ಡು ಎಂಬುದಾಗಿ ಭಾವಿಸಲ್ಪಡತಕ್ಕದ್ದು.

38. ಹಿಂದಿನ ಕಡಿಯೆಪ್ರಕರಣದ ಮೇರೆಗಿನ ವಿಚಾರಣೆಗಳಲ್ಲಿ ಪರಿಹಾರದ್ರವ್ಯದ ಮೊಬಲಗನ್ನು ನಿರ್ಣ

ಪರಿಹಾರದ್ರವ್ಯವನ್ನು ಹೇಗೆ ನಿರ್ಣಯಿಸಬೇಕೆಂಬುದು.

ಯಿಸುವಲ್ಲಿ, ಇತರ ಸಂಗತಿಗಳನ್ನು ಆಲೋಚಿಸುವಾಗ, ಯಾವ ಸ್ವತ್ತಿ
ನಬಗ್ಗೆ ಪರಿಹಾರದ್ರವ್ಯವು ಕೊಳ್ಳಲ್ಪಟ್ಟಿರುವದೋ ಆ ಸ್ವತ್ತಿಗೆ, ಪರಿ
ಹಾರದ್ರವ್ಯವನ್ನು ಕೊಡುವ ಕಾಲದಲ್ಲಿ ಸದರೀ ಸೊತ್ತಿನ ಪೇಟೆಯ
ಮೌಲ್ಯವು ಕಡಿಮೆಯಾದ ಕುರಿತು ಲಕ್ಷ್ಯಕೊಡತಕ್ಕದ್ದು, ಮತ್ತು ಪೇಟೆಯ ಮೌಲ್ಯದಲ್ಲಿ ಆಗಿರುವ ಕಡಿಮೆ
ಯನ್ನು ಗೊತ್ತುಮಾಡಿಕೊಳ್ಳಲಿಕ್ಕಾಗದಿದ್ದರೆ, ಈ ಆಕ್ಟಿನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸ
ವದರಿಂದ ಸದರೀ ಸ್ವತ್ತಿನ ವಾರ್ಷಿಕ ಏನ್ ಆದಾಯಗಳಲ್ಲಿ ಕಡಿಮೆಯಾದ ಮೊಬಲಗಿನ ಹನ್ನೆರಡು ಪಟ್ಟಲ
ಮೊಬಲಗು ಎಂಬುದಾಗಿ ಗಣಿಸಲ್ಪಡತಕ್ಕದ್ದು.

ಒಂದು ಕೈತೋಡನ್ನು ಕಟ್ಟಿಸಿದೆ, ಬಡಾವಣೆಮಾಡಿದೆ, ಅಭಿವೃದ್ಧಿಪಡಿಸಿದೆ - ಯಾ - ತಪ್ಪಿದ್ದಲ್ಲಿ ಮೂ
ಡಿದ ದಿನೆಯಿಂದೆ ಅಥವಾ ಪ್ರಕೃತದಲ್ಲಿರುವ ಒಂದು ಕೈತೋಡಿನ ಮುಖಾಂತರ ನೀರುಕೊಂಡು ಹೋದದರಿಂದ
ಸ್ಥಭಿಸಿಸಿದೆ ಯಾಪದಾದರೂ ಹಾನಿಯಬಗ್ಗೆ 18 ರಿಂದ 25 ರ ವರೆಗಿನ -ವ- 28 ನೇ ಪ್ರಕರಣಗಳ ಮೇರೆಗೆ
ಪರಿಹಾರ ದ್ರವ್ಯವು ಕೊಡಲ್ಪಟ್ಟಿರುವ ಸಂಗತಿಗಳಲ್ಲಿ, ಅಂಥಾ ಪರಿಹಾರ ದ್ರವ್ಯದ ಮೊಬಲಗನ್ನು ಈ ಪ್ರಕ
ರಣದ ಮೇರೆಗೆ ಸದರೀ ವ್ಯವಹರಣೆಯ ಯಾವ ಅಪೇಕ್ಷೆಯು ಮೇರೆಗೆ ಜರಗಿಸಲ್ಪಡತಕ್ಕದ್ದೋ ಆ ಮನುಷ್ಯರಿಂದ
ಅದು ಒಂದು ತೀರ್ವ್ಯ ಬಾಕಿಯಾಗಿದ್ದರೆ ಹಾಗೆಯೇ ಹಾಗೆಯೆ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಬಿಟ್ಟುಮಾಡಿ ಕೊಳ್ಳ
ತಕ್ಕದ್ದು.

39. (1) ಒಂದು ನೀರಾವರಿಯ - ಯಾ - ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯ ಉದ್ದೇಶವಾಗಿ ಹೊ
ಗಾಮಿಯಾಗಿ -ಯಾ- ಕಾಯ್ದೆಮಾಡಿ ಯಾವದೊಂದು ದಾರಿಯನು ಅಥವಾ

ಈ ಆಕ್ಟಿಗನುಗುಣವಾಗಿ ಬೇಕಾಗಿರುವ ಜಮೀನಿನಬಗ್ಗೆ ಪರಿಹಾರ ದ್ರವ್ಯವನ್ನು ಕೊಡುವ ವಿಶೇಷ ವಿಧಾನಗಳು.

ಅದರ ಉಪಯೋಗವನ್ನು ಆವಶ್ಯಕವಾದಾಗ, ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರ
ನಾಮಾನ್ಯ -ಯಾ- ವಿಶೇಷ ಸಂಜ್ಞೆ ನಿಗೆ ಬಳಿಪಟ್ಟು ಮತ್ತು ಪರಿಹಾ

ಅರ್ಹನಾಗಿರುವ ಮನುಷ್ಯನ ಅನ್ನುಮತಿ ನಿಶ್ಚಿ ಕಲೆಕ್ಟರರು
ರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ಉಪಯೋಗಿಸೋಣಕ್ಕೆ ಒಳಪಟ್ಟು, ಅದು ನೀರಾವರಿಯ - ಯಾ -
ೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯ ಉದ್ದೇಶವಾಗಿ ಬೇಕಾಗುವಷ್ಟು ಕಾಲದ ವರೆಗೆ ಗ
ರ್ನ್‌ಮೆಂಟಿನವರ ಉಪಯೋಗಕ್ಕೆ ಅಸಂಗತವಾಗದ ಯಾವ ರೀತಿಯಲ್ಲಾದರೂ ಸದರೀ ಜವಿ
ನ ಹಕ್ಕುಗಳು -ವ- ಅದರ ಅನುಭೋಗವು ಆ ಮೇರೆಗೆ ಅರ್ಹತೆಯಿರುವ ಮನುಷ್ಯ
ಅದನ್ನು ಉಪಯೋಗಿಸಿದ ಬಗ್ಗೆಗಾಗಿ ಮಾತ್ರ ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಪರಿಹಾರದ್ರವ್ಯ ಪಾವ
ಮಾಡಿ) ನೆಲ್ವದೀನದಲ್ಲಿ ಯಿಟ್ಟು ಉಳಿಸಿರ ತಕ್ಕದ್ದೆಂದು ಅಪ್ಪಣೆಕೊಡ್ಡಬಹುದು; ಅಥವಾ
ಮೇರೆಗೆ ಅರ್ಹನಾಗಿರುವ ಮನುಷ್ಯನಿಗೆ ಯಾವದೊಂದು ಪರಿಹಾರ ದ್ರವ್ಯದ - ಯಾ
ದರ ಭಾಗದ ಬದಲಾಗಿ ಅಥವಾ ನೀರಾವರಿಯ ಕಾಮಗಾರಿಯಿಂದ ವಿಂಗಡವಾಗಿ

(2) ಈ ಪ್ರಕರಣದ (1) ನೇ ಒಳ ಪ್ರಕರಣದ (a) -ಯಲ್ಲಾ- (b) ಕ್ಲಾಜಿಗನುಗುಣವಾಗಿ ಮಾಡೋಣಾದ ಯಾವದಾದರೂ ಅವಾರ್ಡಿನ - ಯಾ - ಹುಕುಮಿನ ಷರತುಗಳಿಗೊಳಪಟ್ಟು, ಜಮೀನಿಗೆ ಅರ್ಹನಾಗಿರುವ ಮನುಷ್ಯನು, ಅದು ಮೂರು ವರ್ಷಗಳಿಗೆ ಮಿಾರುವ ಒಂದು ವ್ಯಾಯಿದೆಯವರೆಗೆ ಯಾವದಾದರೂ ನೀರಾವರಿಯ - ಯಾ - ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯಬಗ್ಗೆ ಉಪಯೋಗಿಸಲ್ಪಡುತ್ತಿರುವ ಪಕ್ಷದಲ್ಲಿ, ಸದರೀ ಜಮೀನನ್ನು 1894 ನೇ ಇಸವಿಯ ಭೂಸಂಪಾದನೆಯ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಸಂಪೂರ್ಣವಾಗಿ ಆರ್ಜಿಸಿ ಕೊಳ್ಳಬೇಕಾಗಿ ಕಲೆಕ್ಟರ ಬಳಿ ಅಪೇಕ್ಷಿಸಬಹುನದು, ಮತ್ತು ಸದರೀ ಜಮೀನ್ನು ಆ ಪ್ರಕಾರ ಆರ್ಜಿಸಿಕೊಳ್ಳಲ್ಪಡತಕ್ಕದ್ದು.

6 ನೇ ಅಧ್ಯಾಯವು.

ತಕ್ಕ ಅಧಿಕಾರಿಗಳ - ವ - ದಂಡನೆಗಳ ಕುರಿತು.

ಈ ಆಕ್ಟಿಗೊಳಪಡುವ ತಕ್ಕೀರುಗಳು.

40. ಯಾವಾತನು ತಕ್ಕ ಅಧಿಕಾರ ವಿನಾ ಮತ್ತು ಸ್ವೇಚ್ಛೆಯಿಂದ ಈ ಕೆಳಗಿನ ಯಾವವಾದರೂ ಕೃತ್ಯಗಳನ್ನು ಮಾಡುತ್ತಾನೋ, ಎಂದರೆ :—

1) ಯಾವದಾದರೂ ನೀರಾವರಿಯ - ಯಾ - ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಗೆ ಹಾನಿಯುಂಟು ಮಾಡುತ್ತಾನೋ. ಅದನು ತಬದಿಲು ಮಾಡುತಾ ನೋ, ವಿಸ್ತಾರಗೊಳಿಸುತ್ತಾನೋ - ಯಾ - ತಡೆಪಡಿಸುತ್ತಾನೋ ;

(2) ಯಾವದಾದರೂ ನೀರಾವರಿಯ -ಯಾ ನೀರು ಹರಿಯಿಸುವ ಕ್ರಾಮಗಾರಿಯ ಗೊಡವೆಗೆ ಹೋಗುತ್ತಾನೋ, ಅದರೊಳಗಣ ನೀರನ್ನು - ಯಾ - ಅದರೊಳಗಿಂದ ಅದರ ಮುಖಾಂತರವಾಗಿ, ಮೇಲಿನಿಂದ - ಯಾ - ಅಡಿಯಿಂದ ಹರಿಯುವ ನೀರನ್ನು ಜಾಸ್ತಿ - ಯಾ - ಕಡಿಮೆ ಮಾಡುತ್ತಾನೋ ಅಥವಾ ಅಂಥಾ ನೀರಾವರಿಯ - ಯಾ - ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯನ್ನು, ಅದು ಯಾವ ಉದ್ದೇಶದಬಗ್ಗೆ ಕಟ್ಟಲ್ಪಟ್ಟಿತ್ತೋ ಆ ಉದ್ದೇಶದ ಬಗ್ಗೆ ಅದರ ಉಪಯೋಗವು ಕಡಿಮೆಯಾಗುವ ಯಾವದಾದರೂ ಕೃತ್ಯವನ್ನು ಮಾಡುತ್ತಾನೋ ;

(3) ಯಾವದಾದರೂ ನೀರಾವರಿಯ -ಯಾ- ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಗೆ ಅಪಾಯ -ಯಾ- ಹಾನಿ ಉಂಟಾಗುವ ರೀತಿಯಲ್ಲಿ ಅಥವಾ ಅದರ ಉಪಯೋಗವು ಕಡಿಮೆಯಾಗುವ ರೀತಿಯಲ್ಲಿ ಯಾವದೊಂದು ನದಿಯ -ಯಾ - ಹಳ್ಳದ ನೀರಿನ ಹರಿಯುವಿಕೆಯ ಗೊಡವೆಗೆ ಹೋಗುತ್ತಾನೋ - ಯಾ - ಅದರ ಪ್ರವಾಹದಲ್ಲಿ ಬದಲಾವಣೆಯುಂಟುಮಾಡುತ್ತಾನೋ ,

(4) 5 ನೇ ಪ್ರಕರಣಕ್ಕನುಗುಣವಾಗಿ ಒಂದು ಇಸ್ತಿಹಾರು ಕೊಡಲ್ಪಟ್ಟ ಬಳಿಕ ಸದರೀ ಪ್ರಕರಣದ ನಿಬಂಧನೆಗಳಿಗೆ ವಿರೋಧವಾಗಿ ಯಾವದೊಂದು ಅಣೆಕಟ್ಟೆಯನ್ನು, ಕಟ್ಟವೆನ್ನು, ಕಟ್ಟಪುಣಿಯನ್ನು, ತೂಬನ್ನು, ತೋಡನ್ನು - ಯಾ - ಇತರ ಕ್ರಾಮಗಾರಿಯನ್ನು ಕಟ್ಟಿಸುತ್ತಾನೋ, ತೆಗೆದು ಹಾಕುತ್ತಾನೋ - ಯಾ - ತಬದೀಲು ಮಾಡುತ್ತಾನೋ ;

(5) 28 ನೇ ಪ್ರಕರಣಕ್ಕನುಗುಣವಾಗಿ ಹುಟ್ಟಿದ ಯಾವದಾದರೂ ಹುಕುಮಿಗೆ ಅವಿಧೇಯನಾಗಿ ನಡೆದುಕೊಳ್ಳುತ್ತಾನೋ ;

(6) ಯಾವದೊಂದು ನೀರಾವರೀ ಕಾಮಗಾರಿಯ ನೀರನ್ನು, ಅದು ಸಾಧಾರಣವಾಗಿ ಯಾವ ಉದ್ದೇಶದಬಗ್ಗೆ ಉಪಯೋಗಿಸಲ್ಪಡುತ್ತದೋ ಆ ಉದ್ದೇಶದಬಗ್ಗೆ ಅದರ ಉಪಯೋಗವು ಕಡಿಮೆಯಾಗುವ ಹಾಗೆ ಅದನ್ನು ಕೆಡಿಸುತ್ತಾನೋ - ಯಾ - ಮಲಿನಪಡಿಸುತ್ತಾನೋ ;

(7) ಒಬ್ಬ ಸರಕಾರಿ ನವ್ರುಕರನ ಅಪ್ಪಣೆಯ ಮೇರೆಗೆ ಇರಿಸಲ್ಪಟ್ಟ ಯಾವದಾದರೂ ಭೂಚಿಹ್ನವನ್ನು, ಮಟ್ಟದ ಗುರುತನ್ನು - ಯಾ - ಜಲಮಾಪಕವನ್ನು ನಾಶಪಡಿಸುತ್ತಾನೋ, ಹಾನಿಪಡಿಸುತ್ತಾನೋ, ಅಳಿಸುತ್ತಾನೋ - ಯಾ - ಚಲಿಸುತ್ತಾನೋ ;

(8) ಒಂದು ನೀರು ಹರಿಯಿಸುವ -ಯಾ- ನೀರಾವರಿಯ ಕಾಮಗಾರಿಯ ಬಾಬತು ಯಾವವಾದರೂ ಕಾಮಗಾರಿಗಳ, ತೀರಗಳ - ಯಾ - ತೋಡುಗಳ ಮೇಲಿನಿಂದ - ಯ್ಲಾ - ಅವುಗಳನ್ನು ದಾಟಿ, ಹಾಗೆ ಜಾನುವಾರುಗಳು - ಯಾ - ಬಂಡಿಗಳು ಕೊಂಡುಹೋಗೋಣವನು ಜಿಲಾ ಕಲೆಕ್ಟರು ವಿಸೆಂಟಿದ್ದ ಯಾವ ಹಾಳನ್ನು ಹಾಗೆ ಹೋಗಗೊಳಿಸುತ್ತಾನೋ ;

(9) ಯಾವದೊಂದು ನೀರಾವರಿಯ -ಯಾ- ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯ ತೀರಿದ ಮೇಲೆ ಯಾ - ಕನಾರೆಯ ಮೇಲೆ ಜನವುವಾರುಗಳನ್ನು ಮೇಯಿಸಬಾರದು - ಯಾ - ಮೇಯಿಸಕ್ಕೆ ಕಟ್ಟಬಾರದೆಂದು ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರು ನಿಷೇಧಿಸಿದ ಬಳಿಕ ಆ ಮೇರೆಗೆ ಮೇಯಿಸುತ್ತಾನೋ - ಯಾ - ಮೇಯಿಸುವಬಗ್ಗೆ ಕಟ್ಟು ತಾನೋ, ಅಥವಾ ಆಬಗ್ಗೆ ಅನುಮತಿಕೊಡುತ್ತಾನೋ

(10) ಯಾವದೊಂದು ನೀರಾವರಿಯ - ಯಾ - ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯ ರಕ್ಷಣೆಯಬಗ್ಗೆಗೆ ಉದ್ದೇಶಿಸಲ್ಪಟ್ಟ ಯಾವದಾದರೂ ಮರವನ್ನು, ಪೊದೆಯನ್ನು, ಹುಲ್ಲನ್ನು - ಯಾ - ಇತರ ಗಿಡಗಂಟೆಯನ್ನು ನೀಗಿಸುತ್ತಾನೋ - ಯಾ - ಕೆಡಿಸುತ್ತಾನೋ;

(11) 44 ನೇ ಪ್ರಕರಣದ ನಿಬಂಧನೆಗಳ ಮೇರೆಗೆ ಮಾಡಲ್ಪಟ್ಟ ಯಾವದಾದರೂ ಕಾಮುವನ್ನು, ಅಂಥಾ ಕಾಮದ ಉಲ್ಲಂಘನೆಯಬಗ್ಗೆ ದಂಡನೆ ಹೊರಿಸಬಹುದಾಗಿ ಅಂಥಾ ಕಾಮಗಳಲ್ಲಿ ಆಲೋಚನಾ ಸಭೆಯೊಳಗೆಣ ಗವರ್ನರ್ ಜನರಲ್ ರವರು ವಿಧಿಸಿರುವಲ್ಲಿ, ಉಲ್ಲಂಘಿಸುತ್ತಾನೋ

ದಂಡನೆ.

ಆತನು ಒಬ್ಬ ಮೇಜಿಸ್ಟ್ರೇಟನ ಮುಂದೆ ತಕ್ಕೀರು ಸಾಬೀತು ಪಡಲ್ಪಟ್ಟಲ್ಲಿ, (1) ರಿಂದ (4) ರ ಒಳ ಪ್ರಕರಣಗಳಿಗೊಳಪಡುವ ತಕ್ಕೀರುಗಳ ಸಂಗತಿಯಲ್ಲಿ ಇನ್ನೂರು ರೂಪಾಯಿಗಳಿಗೆ ಮೀರದ ಜುಲುಮಾನೆಗೆ ಆಗಲಿ, ಆರು ತಿಂಗಳಿಗೆ ಮೀರದ ಕೈದಿನ ಶಿಕ್ಷೆಗೆ ಆಗಲೆ ಅಥವಾ ಇವೆರಡಕ್ಕೂ ಆಗಲಿ, ಮತ್ತು (5) ರಿಂದ (11) ರ ವರೆಗಿನ ಒಳ ಪ್ರಕರಣಗಳಿಗೊಳಪಡುವ ತಕ್ಕೀರುಗಳ ಸಂಗತಿಯಲ್ಲಿ ಐವತ್ತು ರೂಪಾಯಿಗಳಿಗೆ ಮೀರದ ಜುಲುಮಾನೆಗೆ ಆಗಲಿ, ಒಂದು ತಿಂಗಳಿಗೆ ಮೀರದ ಕೈದಿನ ಶಿಕ್ಷೆಗೆ ಆಗಲಿ, ಇವೆರಡಕ್ಕೂ ಆಗಲಿ ಗುರಿಯಾಗತಕ್ಕದ್ದು

41. ಈ ಆಕ್ಟಿಗೊಳಪಡುವ ಒಂದು ತಕ್ಕೀರಿನಬಗ್ಗೆ ಯಾವನೊಬ್ಬ ಮನುಷ್ಯನಿಗೆ ಯಾವ ಮೇಜಿಸ್ಟ್ರೇಟನಾದರೂ ಜುಲುಮಾನೆ ವಿಧಿಸಿದಾಗಲೆಲ್ಲ, ಅಂಥಾ ಪೂರಾ ಜುಲುಮಾನೆಯಿಂದ ಹಾನಿ ಕೊಂಡಿದ್ದ ಮನುಷ್ಯನಿಗೆ ಪರಿಹಾರ ದ್ರವ್ಯವನ್ನು - ಯಾ - ಅದರ ಯಾವದಾದರೂ ಭಾಗವನ್ನು, ಅಂಥಾ ತಕ್ಕೀರಿನ ಮೂಲವಾಗಿ ಹಾನಿ ಹೊಂದಿದ ಮನುಷ್ಯನಿಗೆ ಪರಿಹಾರವನ್ನು ಕೊಡಲು ಮೇಜಿಸ್ಟ್ರೇಟನ ಅಧಿಕಾರವು. ದ್ರವ್ಯವಾಗಿ ಪಾವತಿಮಾಡಬಹುದಾಗಿ ಅವನು ಆಜ್ಞಾಪಿಸಬಹುದು.

42. ಯಾವನಾದರೂ ಮನುಷ್ಯನು ಯಾವದೊಂದು ನೀರಾವರಿಯ -ಯಾ- ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯ, ವಿಷಯವಾಗಿ 40 ನೇ ಪ್ರಕರಣಕ್ಕೊಳಪಡುವ ಒಂದು ತಕ್ಕೀರು ಸಾಬೀತುಪಟ್ಟ ಮನುಷ್ಯನು ಅದನ್ನು ಸರಿಪಡಿಸಿಕೊಡುವಂತೆ ಕೇಳಲ್ಪಡಬಹುದು ತಕ್ಕೀರು ಸಾಬೀತು ಮಾಡಲ್ಪಟ್ಟಾಗ, ತಕ್ಕೀರು ಸಾಬೀತುಮಾಡುವ ಮೇಜಿಸ್ಟ್ರೇಟನು, ತನ್ನ ಹುಕುಮಿನಲ್ಲಿ ನಿಶ್ಚೈಸಿದ ವಾಯಿದೆಯೊಳಗಾಗಿ ಯಾವದೇರೀತಿಯಲ್ಲಿ ತಕ್ಕೀರು ಸಾಬೀತುಮಾಡಲ್ಪಟ್ಟಿರುವದೋ ಆ ಅತಿಕ್ರಮವನ್ನು ನೀಗಿಸಬೇಕಾಗಿ ಅಥವಾ ಹಾನಿಯನ್ನು ದುರುಸ್ತುಪಡಿಸಬೇಕಾಗಿ, ಅಥವಾ ಭೋಜಿಹ್ನವನ್ನು, ಮಟ್ಟದ ಗುರುತನ್ನು -ಯಾ- ಫಲಮಾಪಕವನ್ನು - ಯಾ - ಉಪಕರಣವನ್ನು ತಿರುಗಿ ಇಡಬೇಕಾಗಿ, -ಯಾ- ದುರುಸ್ತುಪಡಿಸಬೇಕಾಗಿ ಕುಕ್ಕುಳ್ಳಿ ಕೊಡಬಹುದು. ಆ ವಾಯಿದೆಗೆ ನಿಶ್ಚೈಸಲ್ಪಟ್ಟ ವಾಯಿದೆಯೊಳಗೆ ಅಂಥ ಮನುಷ್ಯನು ಅಂಥಾ ಹುಕುಮಿನ ಮೇರೆಗೆ ಜರಗಿಸಲಿಕ್ಕೆ ಉಪೇಕ್ಷಿಸಿದರೆ - ಯಾ - ನಿರಾಕರಿಸಿದರೆ ಈಬಗ್ಗೆ ಕ್ರಮವಾಗಿ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟ ಯಾವ ಇರಿಗೇಷನ್ ಆಫಿಸರನಾದರೂ, ಅಂಥಾ ಹುಕುಮಿನನುಸಾರವಾಗಿ ಸದರೀ ಕಾಮಗಾರಿಯನ್ನು ಜರಗಿಸಬಹುದು ಮತ್ತು ಆ ಬಾಬತು ಖರ್ಚನ್ನು, ಭೂತೀರ್ವಯ ಬಾಕಿಯೋಪಾದಿಯಲ್ಲಿ ಕಲೆಕ್ಟರ ಅಂಗಾ ಮನುಷ್ಯನಿಂದ ಬರಮಾಡಿಕೊಳ್ಳಬಹುದು.

43. ಯಾವದೊಂದು ನೀರಾವರಿಯ -ಯಾ - ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯ ತಾಬಾಯಿಲ್ಲಿ - ಯಾ - ಅದರಲ್ಲಿ ಕಲ್ಪಿಸಿಕೊಳ್ಳಲಾಗಿರುವ ಇರಿಗೇಷನ್

ಕೈದುಮಾಡಲಿಕ್ಕೆ ಅಧಿಕಾರವು.

ಆಫಿಸರನಾದರೂ ಈಕುರಿತ್ತು ಕ್ರಮವಾಗಿ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟ ಇತರ ಮನುಷ್ಯನಾದರೂ, ಅದಕ್ಕೆ ಸಂಬಂಧಿಸುವ ಯಾವದಾದರೂ ಜಮೀನಿನಿಂದ - ಯಾ - ಕಟ್ಟೆಯ ಣಗಳಿಂದ 40 ನೇ ಪ್ರಕರಣದ (1), (2), (3) - ವೆ - (7) ನೇ ಒಳ ಪ್ರಕರಣಗಳಲ್ಲಿ ಹೇಳಿರುವ ಯಾವವಾದರೂ ತಕ್ಕೀರುಗಳನ್ನು ತನ್ನ ಸಂತೃಪ್ತಿದಲ್ಲಿ ಜರಗಿಸುವ ಯಾವ ಮನುಷ್ಯನನ್ನಾದರೂ ದೂರಪಡಿಸಬಹುದು ಮತ್ತು ಆತನ ಹೆಸರು - ವೆ - ವಿಳಾಸವು ತಿಳಿಯದಿದ್ದರೆ, ಅಥವಾ ಆತನು ತನ್ನ ಹೆಸರನ್ನು - ವೆ - ವಿಳಾಸವನ್ನು ತಿಳಿಸಲಿಕ್ಕೆ ನಿರಾಕರಿಸಿದರೆ ಅಥವಾ ಆತನು ಒಂದು ಸುಳ್ಳು ಹೆಸರನ್ನು - ಯಾ - ವಿಳಾಸವನ್ನು

ಕೊಟ್ಟಿರುತ್ತಾನೆ ಎಂದು ನಂಬಲಿಕ್ಕೆ ಕಾರಣವಿದ್ದರೆ, ಅಂಥ ಮನುಷ್ಯನನ್ನು ಕೈದುಮಾಡಬಹುದು, ಮತ್ತು ಕೂಡಲೆ ಆತನನ್ನು ಅತಿ ಸಮೀಪವಿರುವ ಮೆಜಿಸ್ಟ್ರೇಟನಬಳಿಗೆ - ಯಾ - ಪೊಲೀಸ್ ಸ್ಟೇಷನಿಗೆ ಕೊಂಡು ಹೋಗಲು - ಯಾ - ಕಳುಹಿಸಲು ಬಹುದು-

ಕ್ರಮಗಳಿಗೆ ವ್ಯತಿರಿಕ್ತವಾಗಿ ನೀರಾವರಿ ಮಾಡಿದಬಗ್ಗೆ ದಂಡನೆ.

43A- 10 ನೇ ಪ್ರಕರಣದ ನಿಬಂಧನೆಗಳಿಗೆ ವ್ಯತಿರಿಕ್ತವಾಗಿ - ಯಾ - 44 ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಾಡೋಣಾದ ಯಾವದಾದರೂ ಕ್ರಮವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಗವರ್ನ್‌ಮೆಂಟಿನವರ ಯಾವದಾದರೂ ಜಲ್ಲಾಧಾರದಿಂದ - ಯಾ - ಕ್ರಾಮೆಗಾರಿಯಿಂದ ನೀರಾವರಿಯ ಉದ್ದೇಶವಾಗಿ ನೀರು ತೆಗದುಕ್ಕೊಳ್ಳೋಣಾಗಿದೆ ಎಂದು ಕಲೆಕ್ಟರು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, 1865 ನೇ ಇಸವಿಯ ಮದ್ರಾಸ್ ನೀರಾವರೀ ಶಿಸ್ತಿನ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಹೊರಿಸಬಹುದಾದ ನೀರು ತೆರಿಗೆ ಯಾವದೂ ಇದ್ದರೆ ಅದರ ವಿನಾ ಹೆಚ್ಚಿಗೆಯಾಗಿ, ಮತ್ತು ಈಕುರಿತು ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ನಿರ್ದೇಶಿಸಲ್ಪಡತಬ ಯಾವಂಥ ಕ್ರಮಗಳಿಗೂಳಪಟ್ಟು, ಯಾವ ಜಮೀನಿಗೆ ಸದರೀ ನೀರು ದೊರಕಿಸಿಕೊಳ್ಳಲ್ಪಟ್ಟಿರುವದೋ ಆ ಜಮೀನಿಗೆ ಹೊರಿಸಬಹುದಾದ ತೀರ್ವೆಯ ಇಪ್ಪತ್ತು ಪಾಲಿಗೆ ಮೀರದೆ ಒಂದು ದಂಡನೆಯನ್ನು ಹೊರಿಸುವದು ಕಲೆಕ್ಟರರಿಗೆ ನ್ಯಾಯಸಮ್ಮತವಾಗಿರುವದು-

ಪರಂತು ಸದರೀ ಮನುಷ್ಯನು ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಒಂದು ದಂಡನೆಗೆ ಗುರಿಯಾಗಿದ್ದರೆ ಮತ್ತು ಆತನ ಕೃತ್ಯವು 40 ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಒಂದು ತಕ್ಸೀರಾಗಿ ಸಹಾ ಏರ್ಪಡುವದಾದರೆ, ಆತನು ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಜುಲುಮಾನೆಯೆನ್ನು ತೆರಲಾಗಿ ಮತ್ತೂ ಅದೇ ತಕ್ಸೀರಿನಬಗ್ಗೆ ಫಿರಿಯಾದಿ ವ್ಯವಹರಣೆಗೆ ಸಹಾ ಒಳಪಡಲು ಗುರಿಯಾಗತಕ್ಕದ್ದಲ್ಲ-

7 ನೇ ಅಧ್ಯಾಯವು-

ಉಪನಿಬಂಧನೆಗಳು.

ಕ್ರಮಗಳು-

ಕ್ರಮಗಳನ್ನು ಏರ್ಪಡಿಸಲು ಅಧಿಕಾರವು.

44- ಸ್ಥಳೀಕ ಗವರ್ನ್‌ಮೆಂಟಿನವರು, ಆಗಂದಾಗ್ಗೆ ಈ ಕೆಳಗಿನ ವಿಷಯಗಳನ್ನು ಕ್ರಮಪಡಿಸುವಬಗ್ಗೆ, ಈ ಆಕ್ಟಿಗೆ ಸುಸಂಗತವಾದ ಕ್ರಮಗಳೆನ್ನು, ಮುಂದಾಗಿ ಪ್ರಕಟಪಡಿಸಿದೆತರುವಾಯ ಏರ್ಪಡಿಸಬಹುದು :—

(1) ಈ ಆಕ್ಟಿನ ಯಾವದಾದರೂ ನಿಬಂಧನೆಗನುಸಾರವಾಗಿ ಯಾವದೊಂದು ಸಂಗತಿಯ ಕುರಿತು ವರ್ತಿಸಲು ಆಜ್ಞಾಪಿಸಲ್ಪಟ್ಟ - ಯಾ - ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟ ಯಾವನಾದರೂ ಆಫಿಸರನ ಪ್ರೊಸಿಡಿಂಗ್ಸುಗಳು ಯಾನೆ ವ್ಯವಹರಣೆಗಳು;

(2) ಈ ಆಕ್ಟಿನ ಯಾವದಾದರೂ ನಿಬಂಧನೆಯ ಮೇರೆಗೆ ಕೊಡಲ್ಪಟ್ಟ ಮತ್ತು ಆಪ್ಪೀಲಿನ ವಿಷಯವಾಗಿ ಕಂಠೋಕ್ತನಾದ ನಿಬಂಧನೆ ಏರ್ಪಡದ ಹುಕುಮುಗಳ - ವೆ - ತೀರ್ಪುಗಳ ಮೇಲೆ ಯಾವ ಸಂಗತಿಗಳಲ್ಲಿ, ಯಾವ ಆಫಿಸರನ ಬಳಿಗೆ ಮತ್ತು ಯಾವ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಆಪ್ಪೀಲು ಮಾಡಬಹುದೆಂಬುದು;

(3) ಯಾವ ಕೆಲಸವನ್ನು ಜರಗಿಸುವಬಗ್ಗೆ ಈ ಆಕ್ಟಿನಲ್ಲಿ ನಿಬಂಧನೆ ಏರ್ಪಟ್ಟಿರುವೆದೋ ಆ ಕೆಲಸವನ್ನು ಯಾವ ಮನುಷ್ಯರು, ಯಾವ ಕಾಲದಲ್ಲಿ ಅಥವಾ ಯಾವ ರೀತಿಯಲ್ಲಿ ಜರಗಿಸಬೇಕೆಂಬುದು;

(4) ಈ ಆಕ್ಟಿನಿಂದ ಕೊಡಲ್ಪಟ್ಟ - ಯಾ - ಹೊರಿಸೋಣಾದ ಸಮಸ್ತ - ಯಾ - ಯಾವವಾದರೂ ಅಧಿಕಾರಗಳನ್ನು - ಯಾ - ಕರ್ತವ್ಯಗಳನ್ನು ಯಾವ ಆಫಿಸರರು ಮತ್ತು ಯಾವ ಸ್ಥಳೀಕ ಎಲ್ಲೆಗಳೊಳಗೆ ಚಲಾಯಿಸತಕ್ಕದ್ದು - ಯಾ - ನೆರವೇರಿಸತಕ್ಕದ್ದು ಎಂಬುದು;

1908 ನೇ ಇಸವಿಯ ನಂ. 1 ನೇ ಮದ್ರಾಸ್ ಎಸ್ಟೇಟ್ಸ್ ಲ್ಯಾಂಡ್ ಆಕ್ಟಿನ 215 (2) ನೇ ಪ್ರಕರಣವು.

(5) ಈ ಆಕ್ಟಿನಿಂದ ಅಥವಾ ಇತರ ಯಾವದಾದರೂ ಆಕ್ಟಿನಿಂದ ಈ ಆಕ್ಟಿಗನುಗುಣವಾದ ನೋಟಿಸುಗಳ-ಯಾ-ಹುಕುಮುಗಳಬಗ್ಗೆ ಯಾವವಾದರೂ ಫಾರ್ಮುಗಳು-ಯಾ-ಸಾದರಾತಿಯ ವಿಧಾನವು ನಿರ್ದೇಶಿಸಲ್ಪಡದಿದ್ದಲ್ಲಿ ಅಂಥಾ ಫಾರಮುಗಳನ್ನು - ವೆ - ಸಾದರಾತಿಯ ವಿಧಾನವನ್ನು ನಿರ್ದೇಶಿಸುವಬಗ್ಗೆ; ಮತ್ತು ಯಾವದೊಂದು ಇಸ್ತಿಹಾರನ್ನು ಯಾವ ರೀತಿಯಲ್ಲಿ ಫಾಯಿಷ್‌ಮಾಡಬೇಕೆಂಬುದನ್ನು ನಿರ್ದೇಶಿಸುವಬ

(6) ಈ ಆಕ್ಟಿನ 9 ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೀರಿನ ಸರಿ ರಾಯಿಯನ್ನು ಯಾವ ಕರತುಗಳಿಗೂಳಪಟ್ಟು ಮಾಡಬಹುದೆಂಬುದು; ಮತ್ತು

(7) ಸಾಮಾನ್ಯವಾಗಿ ಈ ಆಕ್ಟಿನ ನಿಬಂಧನೆಗಳನ್ನು ಜಾರಿನಡೆಯಿಸುವಬಗ್ಗೆ-

ಸಾಕ್ಷಿಗಾರರನ್ನು ಸಮ್ಮನ್ ಮಾಡುವ - ವಿಚಾರಣೆ ನಡಿಸುವ ಅಧಿಕಾರವು.

ಮಾಡುವ ಮತ್ತು ಅವರನ್ನು ವಿಚಾರಣೆ ಮಾಡುವ ಕುರಿತು ಪೊಲೀಸ್ ಕೋರ್ಟಿನಿಂದ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳಿಗೆ ಕೊಡಲ್ಪಟ್ಟ ಯಾವತ್ತೂ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಬಹುದು ಮತ್ತು ಅಂಥಾ ಪ್ರತಿ ವಿಚಾರಣೆಯು ಒಂದು ಜುಡಿಷಿಯಲ್ ಪ್ರೊಸೀಡಿಂಗ್ ಎಂಬುದಾಗಿ ಭಾವಿಸಲ್ಪಡತಕ್ಕದ್ದು.

ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಗಾಗಲಿ, ಯಾವನೊಬ್ಬ ಕಲೆಕ್ಟರನಿಗಾಗಲಿ, ಇರಿಗೇಷನ್ ಆಫೀಸರಿಗಾಗಲಿ ಈ ಆಕ್ಟಿನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಯಾವ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುವಲ್ಲಿ ಸಂಬಂಧಪಡಿಸುವಂಥಾ ಒಂದು ಇಂಜಂಕ್ಷನ್ ಬೇಕಾಗಿ ಯಾವದೊಂದು ಸಿವಿಲ್ ಕೋರ್ಟಿನಲ್ಲಿ ಯಾವ ವ್ಯಾಜ್ಯವನ್ನು ಇಂಜಂಕ್ಷನ್ ಮಂಜೂರಿಯಾಗಲಿ ದಾಖಲು ಮಾಡಲ್ಪಡಕೂಡದು.

ಇಂಜಂಕ್ಷನ್‌ಬಗ್ಗೆ ವ್ಯಾಜ್ಯ - ಯಾವ

1865 ನೇ ಇಸವಿಯ ಮದ್ರಾಸು ನೀರಾವರಿ ಶಿಸ್ತಿನ ಕುರಿತ ಆಕ್ಟಿನ 1 ನೇ ಪ್ರಕರಣದ ಯಾವದೆಲ್ಲಿ "ಪೆರಿನ್ನಿಯಲ್ ಜಲಾಧಾರವು" ಎಂಬ ಶಬ್ದಗಳು ಬರುತ್ತವೆಯೋ ಅಲ್ಲಿ ಆ ಶಬ್ದಗಳ ನಂತರ "ಅಥವಾ ಸದರಿ ನೀರಾವರಿ ಶಿಸ್ತಿನ ಕುರಿತ ಆಕ್ಟಿನ 10 (1) (ಬಿ) ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ ಪ್ರಕಾರ ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಸ್ಥಳೀಯ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಂದ ಗೊತ್ತು ಮಾಡಲ್ಪಟ್ಟ ಜಲಾಧಾರದಿಂದ ಪ್ರತ್ಯೇಕವಾಗಿದ್ದರೇನೆ ಅಥವಾ ಅದರ ಶಿಷ್ಟಾಯ್ತಾಗಿ ಇನ್ನೊಂದಾಗಿದ್ದರೇನೆ ಹೇಗೆವಾ ಅಂಥಾ ಒಂದು ಹುಕುಮು ಇಲ್ಲದಿರುವಲ್ಲಿ" ಎಂಬ ಶಬ್ದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

ತಿದ್ದುಪಡಿಮಾಡಲ್ಪಟ್ಟ ಮಸವಿದಾ ಆಕ್ಟು ಮದ್ರಾಸ್ ಸಂಸ್ಥಾನದ ವಿದ್ಯಮಾನಗಳಿಗೆ ಸರಿಪಡುವಂಥಾದ್ದಲ್ಲ ವೆಂಬ ಸಬಬಿನಮೇಲೆ ರೆವಿನ್ಯೂ ಬೋರ್ಡಿನವರು ಅದನ್ನು ಅಂಗೀಕರಿಸಲಿಲ್ಲ ಮತ್ತು ಆ ಮಸವಿದಾ ಆಕ್ಟು 1888 ನೇ ಇಸವಿಯಲ್ಲಿ ಗವರ್ನ್‌ಮೆಂಟಿನವರ ಅಪ್ಪಣೆಯಮೇರೆಗೆ ತಿದ್ದಲು ಹಾಕಲ್ಪಟ್ಟಿತು.

3. ಜನಸಾಮಾನ್ಯದ ಪ್ರಯೋಜನಾರ್ಥವಾಗಿ ನೀರಾವರಿಯನ್ನು ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಕ್ರಮ ಪಡಿಸುವಬಗ್ಗೆ ಸರಕಾರದವರಿಗೆ ಅನುಕೂಲಪಡಿಸುವ ಒಂದು ಸ್ಪಷ್ಟವಾದ ಕಾನೂನು ಯಿಲ್ಲದಿರುವ ಕಾರಣ ಉಂಟಾಗುವ ಅನನುಕೂಲತೆಗಳು ತಾವಾಗಿ ಗವರ್ನ್‌ಮೆಂಟಿನವರ ಅವಗಾಹನಕ್ಕೆ ಇನ್ನೂ ಬರುತ್ತಲಿದ್ದ ದರಿಂದ, ಈ ಕುರಿತು ಕಾನೂನನ್ನು ಏರ್ಪಡಿಸುವದು ಯುಕ್ತವೋ ಎಂಬುದರ ಕುರಿತು 1848 ನೇ ಇಸವಿ ಯಲ್ಲಿ ರೆವಿನ್ಯೂ ಬೋರ್ಡಿನವರ ಅಭಿಪ್ರಾಯವು ಕೇಳಿಕೊಳ್ಳಲಾಯಿತು. ರೆವಿನ್ಯೂ ಬೋರ್ಡಿನವರು ಸಿವಿಲ್ ಕೋರ್ಟುಗಳು ಕೊಟ್ಟಿರುವ ಹಲವು ತೀರ್ಪುಗಳನ್ನು ಸೆಂಗ್ರಹಿಸಿ ಪರಿಶೀಲನೆಮಾಡಿ, ಜನ ಸಾಮಾನ್ಯದ ಹಿತ ಕ್ಕಾಗಿ ಅಧಿಕ ಪ್ರಯೋಜನಕರವಾದ ರೀತಿಯಲ್ಲಿ ನೀರಾವರಿಯನ್ನು ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವಬಗ್ಗೆ ಸರ ಕಾರದವರ ಸರ್ವ ಶ್ರೇಷ್ಠವಾದ ಅಧಿಕಾರವನ್ನು ವಿವರಿಸಿ, ಭದ್ರಪಡಿಸುವಬಗ್ಗೆ ಅವಶ್ಯವಿರುವ ಕಾನೂನಿನ ಸ್ವಭಾವ ಮತ್ತು ವ್ಯಾಪ್ತಿಯ ವಿಷಯವಾಗಿ ಜಿಲ್ಲಾ ಉದ್ಯೋಗಸ್ಥರೊಡನೆ ಆಲೋಚಿಸಿ ತಮ್ಮ ರಿಪೋರ್ಟು ಕಳುಹಿಸಬೇಕಾಗಿ ಅವರಿಗೆ ಅಪೇಕ್ಷಿಸೋಣವಾಗಿತ್ತು. ಇದಕ್ಕೆ ಪ್ರತ್ಯುತ್ತರವಾಗಿ ಕಳುಹಿಸಲ್ಪಟ್ಟ ನಿರ್ಣಯ ದಲ್ಲಿ ಈ ವಿಷಯವು ಸಂಪೂರ್ಣವಾಗಿ ಪ್ರಸ್ತಾಪಿಸಲ್ಪಟ್ಟಿತ್ತು ಮತ್ತು ಇದರೊಳಗಣ ತೊಡಕಾಗಿರುವ ಅಂಶ ಗಳು ಇನ್ನೂ ಆಲೋಚನೆಯಲ್ಲಿರುವಾಗಲೇ, ಕಾನೂನನ್ನು ಏರ್ಪಡಿಸುವ ಕುರಿತು ಬೋರ್ಡಿನವರಿಗೆ ಶಿಫಾರಸು, ಇಂಡಿಯನ್ ಇರಿಗೇಷನ್ ಕಮ್ಮಿಷನಿನ ರಿಪೋರ್ಟಿನಲ್ಲಿಯೂ ಬಲವಾಗಿ ಅನುಮೋದಿಸಲ್ಪಟ್ಟಿತು. ಸದರೀ ಕಮ್ಮಿಷನರರು ತಮ್ಮ ರಿಪೋರ್ಟಿನ II ನೇ ಸಂಪುಟದಲ್ಲಿ, ಮುಖ್ಯವಾಗಿ 272 ರಿಂದ 286 ರ ವರೆಗಿನ ಕಲ ಮುಗಳಲ್ಲಿ--ಈ ಪೈಸಿಡೆನ್ಸಿಯಬಗ್ಗೆ ಒಂದು ಇರಿಗೇಷನ್ ಕಾನೂನನ್ನು ಏರ್ಪಡಿಸಲೇ ಬೇಕು ಎಂಬುದಾಗಿ ಉತ್ಸಾಹಪೂರ್ವಕವಾಗಿ ಶಿಫಾರಸುಮಾಡಿದ್ದರು. ಕಾನೂನನ್ನು ಏರ್ಪಡಿಸುವ ವಿಷಯವಾಗಿ ಈ ಅಧಿಕಾರಿಗಳ ವಿಕಾಭಿಪ್ರಾಯವುಳ್ಳ ತೀರ್ಮಾನಗಳನ್ನು ಗವರ್ನ್‌ಮೆಂಟಿನವರು ಅಂಗೀಕರಿಸಿ, ಒಂದು ಇರಿಗೇಷನ್ ಬಿಲ್ಲು ನ್ನು ತಯಾರಿಸುವಬಗ್ಗಾಗಿ 1905 ನೇ ಇಸವಿಯಲ್ಲಿ ಒಬ್ಬ ಉದ್ಯೋಗಸ್ಥನನ್ನು ಸ್ಪೆಶ್ಯಲ್ ಡ್ಯೂಟಿಯ ಮೇಲೆ ಪ್ರತ್ಯೇಕವಾಗಿ ನೇಮಿಸಿದರು. ಆತನ ಪರಿಶ್ರಮದ ಫಲಿತಾಂಶವನ್ನು ದೀರ್ಘಕಾಲದ ವರೆಗೆ ಪರಿಶೋ ಧಿಸಿ, 1908 ನೇ ಇಸವಿಯ ಮಾರ್ಚಿ ತಿಂಗಳಲ್ಲಿ ಒಂದು ಬಿಲ್ಲಿನ ಮಸೂದೆಯು, ಆರಿಸಲ್ಪಟ್ಟ ರೆವಿನ್ಯೂ ಆಫಿಸರರೊಡನೆಯೂ, ಪ್ರಜಾ ಪ್ರತಿನಿಧಿಗಳಾದ ಖಾಸಗಿ ಸಂಘಗಳೊಡನೆಯೂ, ಜನರೊಡನೆಯೂ ಆಲೋಚಿಸಿ ರಿಪೋರ್ಟುಮಾಡುವಬಗ್ಗಾಗಿ ರೆವಿನ್ಯೂ ಬೋರ್ಡಿನವರ ಬಳಿಗೆ ಕಳುಹಿಸಲ್ಪಟ್ಟಿತು; ಅದೇ ಸಮಯದಲ್ಲಿ ಹೈಕೋರ್ಟಿಗೂ, ಅಡ್ವೊಕೇಟು ಜನರಲ್‌ರವರಿಗೂ ತಮ್ಮ ತಮ್ಮ ಅಭಿಪ್ರಾಯಗಳನ್ನು ದಯೆಮಾಡಿ ತಿಳಿಯ ಪಡಿಸಬೇಕಾಗಿ ಅಪೇಕ್ಷಿಸೋಣವಾಯಿತು; ಮತ್ತು ಭಿನ್ನಾಭಿಪ್ರಾಯವುಳ್ಳ ಅಂಶಗಳ ವಿಷಯವಾಗಿ, ಮದರಸ್ಸ್ ಇಲಾಖೆಯ ಸಮರ್ಥರಾದ ಉದ್ಯೋಗಸ್ಥರ ಸಾಮಾನ್ಯ ಅಭಿಪ್ರಾಯವೆನ್ನು ತೆರಿಸಿಕೊಳ್ಳಲು ಏರ್ಪಾ ಡುಮಾಡೋಣವಾಯಿತು ಅದಕ್ಕೆ ತಲುಪಿದ ಪ್ರತ್ಯುತ್ತರಗಳ ದೆಸೆಯಿಂದ ಮಸವಿದಾ ಆಕ್ಟಿನಲ್ಲಿ ಮುಖ್ಯವಾದ ಬದಲಾವಣೆಗಳನ್ನು ಮಾಡಬೇಕಾಯಿತು, ಮತ್ತು ಮುಂಚಿನ ಬಿಲ್ಲಿನಲ್ಲಿ ಆಕ್ಷೇಪಣೆಗಳಿಗೆ ಹೇತುವಾಗಿರು ತ್ತಿದ್ದ ಮುಖ್ಯವಾದ ನ್ಯೂನತೆಗಳನ್ನು ತೆಗೆದುಹಾಕಿ ಪುನಃ ಒಂದು ತಾಜಾ ಮಸವಿದೆಯು 1909 ನೇ ವರ್ಷದ ಅಂತ್ಯದಲ್ಲಿ ತಯಾರಿಸಲ್ಪಟ್ಟಿತು. ಹಿಂದಿನ 35 ವರ್ಷಗಳಲ್ಲಿ ಇಂಡಿಯಾ ದೇಶದ ಇತರ ಪ್ರಾಂತ್ಯಗಳಲ್ಲಿ ನೀರಾವರಿಯ ವಿಷಯವಾದ ಕಾನೂನಿನಲ್ಲಿ ಅವಲಂಬಿಸಲ್ಪಟ್ಟಿರುವ ಮಾರ್ಗವನ್ನೇ ಮುಖ್ಯವಾಗಿ ಅನುಸರಿಸಿ ತಯಾರಿಸಲ್ಪಟ್ಟ ಈ ತಿದ್ದುಪಡಿಯಾದ ಬಿಲ್ಲು, 1908 ನೇ ಇಸವಿಯ ಬಿಲ್ಲು ಯಾವ ಅಧಿಕಾರಿಗಳ ಬಳಿಗೆ ಕಳುಹಿಸಲ್ಪಟ್ಟಿತ್ತೋ ಆ ಅಧಿಕಾರಿಗಳ ಬಳಿಗೇನೆ ಪರಿಶೋಧನೆಯಬಗ್ಗೆ ಕಳುಹಿಸಲ್ಪಟ್ಟಿತು. ಅದೇ ಸಮ ಯದಲ್ಲಿ ಪ್ರಜಾ ಜನರ ಪರಿಶೀಲನೆಯ - ವ - ಸಲಹೆಯು ಸಂಪೂರ್ಣವಾದ ಉಪಯೋಗವನ್ನು ಪಡೆಯುವ ಬಗ್ಗಾಗಿ ಆ ವಿಷಯವನ್ನು ವಿವರಿಸುವ ಒಂದು ಹುಕುಮಿನ (1909 ನೇ ಇಸವಿಯ ನವೆಂಬರು 19 ನೇ ತಾರೀಖಿನ ರೆವಿನ್ಯೂ ನಂ- 3172 ನೇ ಗ- ಹು-) ಸಹಿತವಾಗಿ ಅದು ಪತ್ರಿಕಾಕರ್ತರ ಅಭಿಪ್ರಾಯದಬಗ್ಗೆ ಇಡಲ್ಪ ಟ್ಟಿತು. ತಲುಪಿದ ಅಭಿಪ್ರಾಯಗಳ ಸಲುವಾಗಿ, ತಿದ್ದುಪಡಿಯಾದ ಮಸವಿದಾ ಆಕ್ಟಿನಲ್ಲಿ ಮುಖ್ಯಾಂಶದಲ್ಲಿ ಯೂ ಸ್ವರೂಪದಲ್ಲಿಯೂ ಇನ್ನೂ ಬದಲಾವಣೆಗಳು ಉಂಟಾದವು ಮತ್ತು ಕಟ್ಟಕಡೆಗೆ ಪ್ರಕೃತ ಅದು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಲ್ಲಿ ಪ್ರವೇಶಪಡಿಸಲು ಇರಾಧಿಸಲ್ಪಟ್ಟ ಸ್ವರೂಪವನ್ನು ಧರಿಸಿಕೊಂಡಿದೆ.

4. ಈ ಮಸವಿದಾ ಆಕ್ಟಿನ ಚರಿತ್ರೆಯು ಈ ರೀತಿಯಲ್ಲಿ ವಿವರಿಸಲ್ಪಟ್ಟದ್ದಾಯಿತು. ಇನ್ನು ಅದರ ಲ್ಲಿಯ ನಿಬಂಧನೆಗಳಿಗೆ ಆಧಾರಭೂತವಾಗಿರುವ ಮುಖ್ಯ ಉದ್ದೇಶಗಳನ್ನು - ವ - ಕಾರಣಗಳನ್ನು ವಿವರಿಸ ಬೇಕಾಗಿದೆ.

ಈ ಮಸವಿದಯನ್ನು ತಯಾರಿಸುವಲ್ಲಿ ನೀರಾವರಿಯ ವಿಷಯವಾಗಿ 1905 ನೇ ಇಸವಿಯ ಬರ್ಮಾ
ನಾಲ್ (ಕಾಲಿವೆಗಳ) ಆಕ್ಟ್ಗಳು ಎಲ್ಲ ಕೆಂತಲೂ ಇತ್ತಲಾಗೆ ವಿಸ್ತಾರವಾಗಿ ಚರ್ಚೆಯಾಗಿರುವದರಿಂದ ಅದನ್ನು (ಮೂ
ಧಾರವಾಗಿಟ್ಟುಕೊಳ್ಳಲ್ಪಟ್ಟಿತು; ಆದರೆ ಕೊನೆಸಲ ವಿವೇಚಿಸುವಾಗ, 1879 ನೇ ಇಸವಿಯ ಬೊಂಬೆಯಿ
ಸರ್ರಿಗೇಷನ್ ಆಕ್ಟಿನ ನಿಬಂಧನೆಗಳು ಬಟ್ಟರೆ ಈ ಪ್ರಸಿಡೆನ್ಸಿಯಲ್ಲಿಯ ಸ್ಥಿತಿಗತಿಗೆ ಅಧಿಕ ಯೋಗ್ಯವಾದವು
ಳೆಂದು ಕಂಡುಬಂದದರಿಂದ ಕೆಲವು ಸಂಗತಿಗಳಲ್ಲಿ ಅವೇ ಅತ್ತಮವೆಂದು ಸ್ವೀಕರಿಸಲ್ಪಟ್ಟಿವೆ. ವರಂತು,
ದೆರೀ ಚಟ್ಟಗಳಲ್ಲಿ ಹೇಳಿರುವ "ಕೆನಾಲ್ ಸೆಪಿಗೇಷನ್" ಮತ್ತು "ಕೂಲಿ ಕೆಲಸ" (ಬರ್ಮಾ ಆಕ್ಟಿನ 7
ನೇ ವೆ 9 ನೇ ಅಧ್ಯಾಯದ ನಿಬಂಧನೆಗಳನ್ನು ನೋಡಿರಿ) ಮುಂತಾದ ಕೆಲವು ವಿಷಯಗಳು ಈಗ ಆಲೋ
ಚನೆಯಲ್ಲಿರುವ ಮುಖ್ಯ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟವುಗಳಲ್ಲವಾದದರಿಂದ ಅವುಗಳನ್ನು ಉದ್ದೇಶಪೂರ್ವಕ
ವಾಗಿ ಬಿಟ್ಟುಬಿಟ್ಟಿದೆ.

5. 1 ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಅಗತ್ಯವಿರುವ ಪ್ರಾಥಮಿಕ ಅರ್ಥ ವಿವರಣೆಗಳು ಅಡಗಿವೆ. ಸ್ಥಳೀಕ ವಿದ್ಯ
ಮಾನಗಳಿಗೆ ಅವಕ್ಯವಿರುವ ಒಂದರೆ ತಬದೀಲಿಗಳಿಗೊಳಪಟ್ಟು ನಾವು ಬಹಳ ಮಟ್ಟಿಗೆ ಬರ್ಮಾ ಆಕ್ಟಿನಿಂದ
ಅಂಗೀಕರಿಸಲ್ಪಟ್ಟಿವೆ "ಕಾಲಿವೆ" ಎಂಬ ಪದದ ಬದಲಾಗಿ "ನೀರಾವರೀ ಕಾಮಗಾರಿ" ಎಂಬ ಪದವು
ಇಡಲ್ಪಟ್ಟಿದೆ ಎಂಬುದನ್ನು ಮುಖ್ಯವಾಗಿ ಸೂಚಿಸಬೇಕಾಗಿದೆ. ಆಕ್ಟಿನ ಅಮಲ್ ಚಲಾಯಿಸಲ್ಪಟ್ಟ ಅಧಿಕಾರ
ಹೊಳಿಸಲ್ಪಟ್ಟ ಆಫಿಸರರಿಗೆ ಅಂಥಾ ಅಧಿಕಾರವನ್ನು ಕೊಡಲು 4 ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿಬಂಧನೆ ಏರ್ಪಡಿಸಿರು
ವದು; ಮತ್ತು ಈ ವಿಷಯವಾಗಿ ತಮ್ಮ ಅಧಿಕಾರಗಳನ್ನು ಇತರರಿಗೆ ಒಪ್ಪಿಸಲು ಅದು ಸ್ಥಳೀಕ ಗವರ್ನ್ಮೆಂ
ಟಿನವರಿಗೆ ಶಕ್ತಗೊಳಿಸುತ್ತದೆ.

6. 2 ನೇ ಅಧ್ಯಾಯವು ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶಗಳ ಬಗ್ಗಾಗಿ ನೀರನ್ನು ವಿನಿಯೋಗಿಸುವ ವಿಷಯವಾಗಿ ನೀ
ರಾವರೀ ಕಾಮಗಾರಿಗಳ ಮೇಲ್ವಿಚಾರವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವ ಕುರಿತು ನಿಬಂಧಿಸುತ್ತದೆ. ಪ್ರಾರಂಭದಲ್ಲಿ (5
ನೇ ಕ್ಲಾಜು, ಬರ್ಮಾ ಆಕ್ಟಿನ 6, 12 ವೆ 51 ನೇ ಪ್ರಕರಣಗಳನ್ನು ಅಡಗಿಸಿಕೊಳ್ಳುತ್ತದೆ ಮತ್ತು ಸ್ಥಳೀ
ಕ ಗವರ್ನ್ಮೆಂಟಿನವರಿಗೆ ಇಸ್ತಿಹಾರು ಮೂಲಕವಾಗಿ ಪ್ರಕೃತವಿರುವ ಅಥವಾ ಉದ್ದೇಶಿಸಲ್ಪಟ್ಟ ಯಾವದಾ
ದರೂ ನೀರಾವರಿಯ – ಯಾ – ನೀರು ಹರಿಯಿಸುವ ಕಾಮಗಾರಿಯಿಗೋಸ್ಕರವಾಗಿ ಯಾವದೊಂದು ನದಿಯ
ರಳ್ಳದೆ – ಯಾ – ಸ್ವಾಭಾವಿಕವಾಗಿರುವ ಜಲಾಶಯದಲ್ಲಿ ನೀರನ್ನು ವಿನಿಯೋಗಪಡಿಸುವದಕ್ಕೆ ಮಾತ್ರವಲ್ಲದೆ
ಗವರ್ನ್ಮೆಂಟಿನವರಿಂದ ಕಟ್ಟಲ್ಪಡದ – ಯಾ – ಕಾವಲಾಡಲ್ಪಡದ ಅಂಥ ಯಾವದಾದರೂ ನೀರಾವರೀ ಕಾಮ
ಗಾರಿಗಳ ಮೇಲ್ ವಿಚಾರವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವದಕ್ಕೆ ಸಹಾ ಶಕ್ತಿಗೊಳಿಸುತ್ತದೆ. ಈ ಅಧ್ಯಾಯಕ್ಕನುಗುಣ
ವಾಗಿ ಒಂದು ಇಸ್ತಿಹಾರು ತಾದರುಮಾಡಲ್ಪಡಲಾಗಿ, ಮುಂದಿನ 3 ನೇ – ವೆ – 4 ನೇ ಅಧ್ಯಾಯಗಳ ನಿಬಂಧ
ನೆಗಳು ಸ್ವೇತಃ ತಮಗೆ ತಾವಾಗಿ ಲಗಾವಾಗುತ್ತವೆ; ಎಷ್ಟವೆವಾಗಿ ಸಂಭವಿಸಿದ ನಷ್ಟದ ಬಗ್ಗೆ ಪರಿಹಾರ
ದ್ರವ್ಯ ಕೊಡತೀಕೆಗೆ ಮಾತ್ರ ಒಳಪಟ್ಟ ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವ ವಿಷಯವನ್ನು ಪ್ರಮಾಣಿಸುವ ಕುರಿತು
ಸ್ಥಳೀಕ ಗವರ್ನ್ಮೆಂಟಿನವರಿಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರಗಳು ಇರುತ್ತವೆ. ಪರಿಹಾರದ್ರವ್ಯವನ್ನು ಕೊಡುವ ವಿಷ
ಯವಾದ ನಿಬಂಧನೆಯನ್ನು 5 ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ವಿಸ್ತರಿಸಿಯಿದೆ; ಇಸ್ತಿಹಾರು ತಾದರುಮಾಡಲ್ಪಟ್ಟ ನೀ
ರಿನ ವಿಷಯವಾಗಿ ಖಾಸಗಿ ಜನರ ಪ್ರವೇಶವು ನಿಷೇಧಿಸಲ್ಪಟ್ಟಿದೆ; ಮತ್ತು ಇಸ್ತಿಹಾರಿನ ತಾರೀಖಿನ ತರುವಾಯ
ತನದು ಮೂಲವಾಗಿ – ಯಾ – ಮಾಮೂಲಾಗಿರುವ ಅನುಭೋಗದ ಮೂಲವಾಗಿ ಮಾತ್ರ ಖಾಸಗೀ ಹಕ್ಕುಗ
ಳನ್ನು ಹೊಂದಿಬಹುದಾಗಿದೆ.

ಸಾಮಾನ್ಯವಾಗಿ ನೀರಿನ – ವೆ – ನೀರಾವರೀ ಕಾಮಗಾರಿಗಳ ಮೇಲ್ವಿಚಾರಣೆಯ ಕುರಿತು 3 ನೇ
ಅಧ್ಯಾಯಕ್ಕೆ ಮಾದರಿಯಾಗಿಟ್ಟುಕೊಂಡ ಬರ್ಮಾ ಆಕ್ಟಿಗೂ ವ್ಯತ್ಯಾಸವಿದೆ; ಬರ್ಮಾ ಆಕ್ಟಿನ ಯಾವ
ದೊಂದು ಕೈತೋಡಿಗೆ – ಯೊ – ಮನುಷ್ಯನಿಗೆ ನೀರನ್ನು ಸರಬರಾಯಿ ಮಾಡುವ ಸಂಬಂಧವಾಗಿ ಪ್ರವೇಶಿಸೋ
ಣವು ನ್ಯಾಯಸಮ್ಮತವಾಗಿ ಮಾಡುವ ವಿಶೇಷ ಸಂದರ್ಭಗಳನ್ನು ಮಾತ್ರ ಹೇಳುತ್ತದೆ. ನೀರಾವರಿಯ ಮೇಲೆ
ಗವರ್ನ್ಮೆಂಟಿನವರಿಗಿರುವ ಹಕ್ಕುಗಳ ಕುರಿತು ಕಾನೂನುಮೂಲವಾದ ಅರ್ಥ ವಿವರಣೆಯು ಇಲ್ಲದ್ದರಿಂದ ಇರಿ
ಗೇಷನ್ ಕಮಿಷ್ಟನರು ಸೂಚಿಸಿದ ಅನ್ನುಕೂಲತೆಯ ಸಂಬಂಧವಾಗಿ, ನೀರಾವರೀ ಕಾಮಗಾರಿಗಳನ್ನು
ಕಟ್ಟಿಸುವ ಮತ್ತು ನೀರು ಸರಬರಾಯಿಯ ಮೇಲ್ವಿಚಾರಣೆಯ ಕುರಿತು ಗವರ್ನ್ಮೆಂಟಿನವರಿಗೆ ಮತ್ತು ಇರಿ
ಗೇಷನ್ ಆಫಿಸರರಿಗೆ ಯಾವ ಅಧಿಕಾರಗಳಿರುತ್ತವೆಂಬುದನ್ನು ವಿವರವಾಗಿ ತಿಳಿಯಪಡಿಸುವದು ಉತ್ತಮವೆಂದು
ಆಲೋಚಿಸಲಾಗುತ್ತದೆ. ತದನುಸಾರವಾಗಿ ಮಸವಿದೆಯ 9 ನೇ – ವೆ – 10 ನೇ ಕ್ಲಾಜುಗಳು ಬರೆಯಲ್ಪ

ತುಂಬಿಸಿ ರಕ್ಷಣೆಯು ಕೊಡಲ್ಪಟ್ಟಿದೆ, ಪರಂತು ಮುಂದಿನ (46 ನೇ) ಕ್ಲಾಜು ಅಂಥವರು ನಿರೋಧಿಸುವಬಗ್ಗೆ ದಾವೆಗಳನ್ನು ತರುವದನ್ನು ತಪ್ಪಿಸುತ್ತದೆ ; ಸದರೀ ಕ್ಲಾಜು, ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಗೆ - ಯಾ - ಅವರ ಉದ್ಯೋಗಸ್ಥರಿಗೆ ಕಾನೂನು ಮೂಲವಾಗಿ ಕೊಡಲ್ಪಟ್ಟ ಅಧಿಕಾರಗಳ ಚಲಾಯಿಸುವಿಕೆಯನ್ನು ತಡೆಯಿಸುವಬಗ್ಗೆ ಒಂದು ಇಂಜಂಕ್ಷನ್ ಹುಕುಂ ಕೊಡಬೇಕಾಗಿ ಒಂದು ಸಿವಿಲ್ ಕೋರ್ಟಿನಲ್ಲಿ ಯಾವದೊಂದು ವ್ಯಾಜ್ಯ-ಯಾ-ಮೆನವಿಮಾಡುವದನ್ನು ಆತಂಕಪಡಿಸುತ್ತದೆ-

11 ರಿಂದ 15 ರ ವರೆಗಿನ ಕ್ಲಾಜುಗಳು ನೀರಾವರಿಯ - ಯಾ - ನೀರು ಹರಿಯುಸುವ ಕಾಮಗಾರಿಗಳನ್ನು ಕ್ರಮುಪಡಿಸುವ, ಕಾಪಾಡುವ ಮತ್ತು ಅವುಗಳ ಆಡಳಿತೆಯನ್ನು ನಡೆಯಿಸುವಬಗ್ಗೆ ಅಗತ್ಯವಿರುವ ಸೆರ್ವೆಯನ್ನು - ಯಾ - ಸಂದರ್ಶಣೆಯನ್ನು ಮಾಡುವಬಗ್ಗೆ ಮತ್ತು ಇತರ ಯಾವದಾದರೂ ಕೆಲಸವನ್ನು ನಡೆಯಿಸುವಬಗ್ಗಾಗಿ ಜಮೀನಿನಲ್ಲಿ - ಯಾ - ಕಟ್ಟಡಗಳಲ್ಲಿ ಪ್ರವೇಶಿಸಲು ಅವಶ್ಯವಿರುವ ಅಧಿಕಾರವನ್ನು ಕೊಡುತ್ತವೆ-

16 ನೇ ಕ್ಲಾಜು, ಬರ್ಮಾ ಆಕ್ಟಿನ 36 ನೇ ಪ್ರಕರಣವನ್ನನುಸರಿಸಿ, ಅಂಥಾ ಕಾಮಗಾರಿಗಳಿಗೆ ಉಂಟಾಗಿರುವ ಯಾವದಾದರೂ ಹಾನಿಯನ್ನು ದುರುಸ್ತುಪಡಿಸುವ ಖರ್ಚನ್ನು, ಸದರೀ ಹಾನಿಯನ್ನುಂಟುಮಾಡಿದ ಮನುಷ್ಯನು ಯಾರೆಂದು ತಿಳಿಯದೆ ಹೋದರೆ, ಸದರೀ ಹಾನಿಯ ಮೂಲವಾಗಿ ಪ್ರಯೋಜನಹೊಂದಿದ ಜಮೀನುಗಳ ಭೋಗೋಟಿದಾರರಿಂದ ಬರಮಾಡಿಕೊಳ್ಳುವ ಕುರಿತು ನಿಬಂಧಿಸುತ್ತದೆ ; ಇದು ಹೊರತು ದುರುಸ್ತಿಯ ಖರ್ಚು ಸ್ವಲ್ಪವಾಗಿದ್ದು ತಕ್ಷೀರುನಡೆಯಿಸಿದವನು ದೊಡ್ಡ ಮನುಷ್ಯರ ಕೈಯಲ್ಲಿರುವ ಆಯುಧ ಯಾನೆ ಉಪಕರಣದಂತೆ ಪ್ರೀರೇಪಣೆಯ ಮೇಲೆ ತಕ್ಷೀರು ನಡೆಯಿಸಿ ಅದರಿಂದ ಉಂಟಾದ ಕೆಡಕು ನೀರಾವರಿಯಾಗುವ ಜಿಮ್ಮಾರವಾದ ಭೂಮಿಗೆ ವ್ಯಾಪಿಸಿ, ಅಕ್ರಮವಾಗಿ ತಿರುಗಿಸಿದ ನೀರಿಗೆ ಉತ್ತಮ ಹಕ್ಕು ಇರುವ ರೈತರಿಗೆ ವಾಸ್ತವವಾಗಿ ಹಾನಿಯುಂಟುಮಾಡಿರುವ ಸಂಗತಿಗಳೆಲ್ಲಿ, ಸದರೀ ಉಪಯೋಗಹೊಂದಿದ ಭೂಮಿಗಳ ತೀರ್ವೆಯ ಇಪ್ಪತ್ತು ಪಾಲಿಗೆ ವಿಾರದ ಒಂದು ದೊಡ್ಡ ದಂಡನೆಯನ್ನು ಹೊರಿಸಲು ನಿಬಂಧನೆ ಏರ್ಪಡಿಸಿಯಿದೆ-

17 ನೇ ಕ್ಲಾಜು ಎಸ್ಟೇಟು ಜಮೀನುಗಳಿಗೂ, ರೈತವಾರಿ ಜಮೀನುಗಳಿಗೂ ಉಪಯೋಗಕರವಾದ ನೀರಾವರಿ ಕಾಮಗಾರಿಗಳನ್ನು ದುರೆಸ್ತು ಪಡಿಸುವ ಖರ್ಚುಗಳನ್ನು ಕೊಡುವ ವಿಷಯವಾಗಿ ನಿಬಂಧಿಸುತ್ತದೆ- ಸಂಬಂಧಪಟ್ಟ ರೈತರ ಪ್ರಯೋಜನಾರ್ಥವಾಗಿ ಅವಶ್ಯವಿರುವ ದುರುಸ್ತಿಗಳನ್ನು ಕಾಲಹರಣಮಾಡದೆ ಜರಗಿಸುವ ನಿಕ್ಕೆ ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಗೆ ಅಧಿಕಾರವಿರಬೇಕಾದದ್ದು ಮುಖ್ಯವು- ಮತ್ತು ಹಾಗೆ ತಗಲಿದ ಖರ್ಚಿನಮೊಲಕವಾಗಿ ಒಂದು ಎಸ್ಟೇಟಿಗೆ ಲಾಭ ಉಂಟಾಗಿರುವ ಪಕ್ಷದಲ್ಲಿ ಆ ಭೂಮಾಲೀಕನು ತಾನು ಹೊಂದುವ ನೀರು ರೇಟಬರಾಯಿಯಬಗ್ಗೆ ಪ್ರತ್ಯೇಕ ಒಂದು (ಸೆಸ್ಸು) ತೆರಿಗೆ ಕೊಡುವದಾಗಿದ್ದರೇನೆ ವಿನಾ ದುರುಸ್ತಿಯ ಖರ್ಚನ್ನು ರಿಂದಾಯಿಮಾಡಲು ನ್ಯಾಯವಾಗಿ ಗುರಿಯಾಗಿರುತ್ತಾನೆ-

8- 4 ನೇ ಅಧ್ಯಾಯವು ಕೈತೋಡುಗಳ ವಿಷಯವಾಗಿ ನಿಬಂಧಿಸುತ್ತದೆ- ಕೈತೋಡುಗಳಬಗ್ಗೆ ಇರಿ ಗೇಷನ್ ಆಫಿಸರನ ಬಳಿ ಮೆನವಿಮಾಡಿದ ಬಳಿಕ ಕೈತೋಡುಗಳೆನ್ನು ಮಾಡಿಸುವಲ್ಲಿ ಅನುಸರಿಸಲ್ಪಡಬೇಕಾದ ನಡವಳಿತೆಯು 18 ರಿಂದ 25 ನೇ ವರೆಗಿನ ಕ್ಲಾಜುಗಳು ನಿರ್ದೇಶಿಸುತ್ತವೆ, ಮತ್ತು 26 ನೇ ಕ್ಲಾಜು ಇರಿ ಗೇಷನ್ ಆಫಿಸರನಿಗೆ ತಾನಾಗಿ ಹೊಸ ಕೈತೋಡುಗಳನ್ನು ಮಾಡಿಸಲಿಕ್ಕೂ, ಪ್ರಕೃತವಿರುವಂಥವುಗಳನ್ನು ಅಭಿವೃದ್ಧಿಪಡಿಸುವದಕ್ಕೂ ಸ್ವಾತಂತ್ರ್ಯಗೊಳಿಸುತ್ತದೆ- ನೀರಾವರಿಯಬಗ್ಗಾಗಿ ಯೋಚಿಸಲ್ಪಟ್ಟ ದೊಡ್ಡ ಕಾಮಗಾರಿಯ ಸಂಬಂಧವಾಗಿ ಕೈತೋಡುಗಳನ್ನು ಶೀಘ್ರದಲ್ಲಿ ತಯಾರಿಸುವಬಗ್ಗೆ ತಕ್ಕ ಏರ್ಪಾಡನು ಮಾಡುವದು ಮುಖ್ಯವಾಗಿರುವದರಿಂದೆ, ಅಂಥ ಆಲೋಚಿಸಲ್ಪಟ್ಟ ಕಾಮಗಾರಿಯನ್ನು (ಸ್ಕೀಮನ್ನು) ಸಕಾಲದಲ್ಲಿ ಸಂಪೂರ್ಣಪಡಿಸಲು ಮತ್ತು ಆದಾಯ ವೆಚ್ಚಗಳ ಅಂದಾಜಿಗಳಲ್ಲಿ ನಿರೀಕ್ಷಿಸಲ್ಪಟ್ಟ ವಾಯಿದೆಯೊಳಗೆ ಪ್ರತಿಫಲ ದೊರಕಿಸಿಕೊಳ್ಳಲು ಸಾಧ್ಯವಾಗುವಂತೆ ಖಾಸಗಿ ಮನವಿಗಳ ಸಂಗತಿಯಲ್ಲಿ ಭೂಸಂಪಾದನೆಯಬಗ್ಗೆ ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟ ನಡವಳಿತೆಯನ್ನು 26 ನೇ ಕ್ಲಾಜಿಗೆ ಸೇರಿಸಲ್ಪಟ್ಟ ನಿಯಮದಲ್ಲಿ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಸಿಲಭಪಡಿಸಿದೆ- ಆ ಕ್ಲಾಜು ಹೊಸ ನೀರಾವರಿಯ ಕಾಮಗಾರಿಗಳಬಗ್ಗೆ ಇರಿಗೇಷನ್ ಆಫಿಸರನಿಂದ ಮಾಡಲ್ಪಡುವ ಭೂಸಂಪಾದನೆಗಳಿಗೆ ಲಾಗಾವಾಗುತ್ತದೆ-

ಕೈತೋಡುಗಳನ್ನು ಮಾಡಿಸುವ, ವಿಸ್ತಾರಗೊಳಿಸುವ - ಯಾ - ಅಭಿವೃದ್ಧಿಪಡಿಸುವಬಗ್ಗೆ ತಗಲಿದ ಖರ್ಚನ್ನು ಅವುಗಳ ನೀರಿನಿಂದ ನೀರಾವರಿಯಾಗುವ ಜಮೀನಿನ ಮಾಲೀಕರಿಂದೆ - ಯಾ - ಭೋಗೋಟಿದಾರರಿಂದ 27 ನೇ ಕ್ಲಾಜಿನ ಮೇರೆಗೆ ಬರಮಾಡಿಕೊಳ್ಳಬಹುದು-

ಈ ಅಧ್ಯಾಯದ ನಿಬಂಧನೆಗಳು ಮುಖ್ಯವಾಗಿ ಬರ್ಮಾ ಆಕ್ಟಿನಿಂದ ಎತ್ತಿತಗಯಲ್ಪಟ್ಟವುಗಳಾಗಿವೆ, ಪರಂತು ಬೊಂಬಾಯಿ ಆಕ್ಟಿನ ಒಕ್ಕಣೆಯು ಅಧಿಕ ಸ್ಪಷ್ಟವಾಗಿದ್ದ ದರಿಂದ ಕೆಲವು ಸಂಗತಿಗಳಲ್ಲಿ

ಎಂದರೆ, 19, 21, 24, 30 ನೇ ಮತ್ತು 31 ನೇ ಕ್ಲಾಜುಗಳಲ್ಲಿ ಅದರ ಒಕ್ಕಣೆಯು ಸ್ವೀಕರಿಸಲ್ಪಟ್ಟಿದೆ. ಆದರೆ ಒಂದು ವಿಷಯದಲ್ಲಿ ಈ ಮಾದರಿಗಳು ಅಂಗೀಕರಿಸಲ್ಪಡಲಿಲ್ಲವು. ಎಂದರೆ ಕೈತೋಡುಗಳು ಕಟ್ಟಿಸಲ್ಪಟ್ಟ ಬಳಿಕ ಅವು ಗವರ್ನ್‌ಮೆಂಟಿನವರ ಸ್ವತ್ತಾಗಿರುವದು ಮತ್ತು ಅದರ ಸ್ವಾಧೀನತೆಯು ಮನುವಿದಾರರಿಗೆ ಬಿಟ್ಟು ಕೊಡೋಣವಾಗಲಿಕ್ಕಿಲ್ಲ. ಈ ಭೇದವು ಈ ಪ್ರಸಿಡೆನ್ಸಿಯಲ್ಲಿ ನಡೆದುಬರುವ ಪದ್ಧತಿಗನುಸಾರವಾಗಿದೆ, ಆದರೆ ಮೇರೆಗೆ ನೀರಾವರಿ ಕಾಲಿವೆಗಳು, ಉಪಯೋಗಹೊಂದುವ ಕೂಟಗಳ ಯಾ ಖಾಸಗಿ ಜನರ ಹಕ್ಕುಗಳಿಗೆಳಪಟ್ಟು ಸಾಧಾರಣವಾಗಿ ಸರಕಾರದ ಸೊತ್ತು ಎಂಬುದಾಗಿ ಭಾವಿಸಲ್ಪಡುತ್ತಿವೆ. ಈ ವಿಧವಾದ ಏರ್ಪಾಡಿನಿಂದ ಮನುವಿದಾ ಆಕ್ಟ್ ಸುಲಭವಾಗುತ್ತದೆಯಾತ್ರವಲ್ಲದೆ, ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳ ವಿಷಯವಾಗಿ ವಿವಾದೆಗಳಿಗೆ ಆಸ್ಪದ ಕೊಡಲಾರದೆಂಬ ಪ್ರಯೋಜನವೂ ಸಹಾ ದೊರಕುವದು. ಹೀಗೆ ಮಾಡದೆ ಕೈತೋಡುಗಳ ಮಾಲೀಕತೆಯು ನಾನಾತರದ ಮತ್ತು ಪರಸ್ಪರ ವಿರೋಧವಾದ ಹಕ್ಕುಗಳನ್ನುವ ಅನಿಶ್ಚಿತ ಸಂಖ್ಯೆಯ ಖಾಸಗಿ ಜನರಲ್ಲಿ ಇರಗೊಡಿಸಿದ ಪಕ್ಷದಲ್ಲಿ ಅಂಥಾ ವಿವಾದೆಗಳು ತಪ್ಪದೇ ಹುಟ್ಟುವವು.

9 - 5 ನೇ ಅಧ್ಯಾಯವು, ಪರಿಹಾರ ದ್ರವ್ಯವನ್ನು ಕೊಡುವ ವಿಷಯವಾದ ಯಾವತ್ತೂ ನಿಬಂಧನೆಗಳನ್ನು ಒಟ್ಟುಗೂಡಿಸುತ್ತದೆ. ಮನುವಿದಾ ಆಕ್ಟ್‌ನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಿದ ದೆಸೆಯಿಂದ ಸಂಭವಿಸಿದ ನಾಸ್ತಿವಾಯವಾದರೂ ಹಾನಿಯ ಬಗ್ಗೆ ಪರಿಹಾರದ್ರವ್ಯವು ಕೊಡಲ್ಪಡತಕ್ಕದ್ದು ಎಂಬ ಸಾಮಾನ್ಯಸೂತ್ರವು ಅಂಗೀಕರಿಸಲ್ಪಟ್ಟಿದೆ; ಈ ಸೂತ್ರಕ್ಕೆ ಬೆಳಪಡುವ ನಿಯತಿಗಳು 32 ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ವಿವರಿಸಲ್ಪಟ್ಟಿವೆ.

ಸದರಿ ಕ್ಲಾಜಿನ (1) ನೇ ನಿಯಮವು ಬರ್ಮಾ ಆಕ್ಟ್‌ನ 10 ನೇ ಪ್ರಕರಣವನ್ನನುಸರಿಸಿ ಇರುತ್ತದೆ, ಮತ್ತು ಪರಿಹಾರದ್ರವ್ಯದಬಗ್ಗೆ ದಾವೆಗಳು, ಸಾಧಾರಣವಾಗಿ ಹಾನಿಯು ಪ್ರಥಮತಃ ಸಂಭವಿಸಿದ ತಾರೀಖಿನಿಂದ ಒಂದು ವರ್ಷದೊಳಗಾಗಿ ಮಾಡಲ್ಪಡಬೇಕೆಂದು ನಿರ್ದೇಶಿಸುತ್ತದೆ.

(2) ನೇ ನಿಯಮವು ಅದೇ ಆಕ್ಟ್‌ನ 9 (g) ನೇ ಪ್ರಕರಣದಿಂದ ಎತ್ತತೆಗೆದದ್ದಾಗಿದೆ; ಪರಂತು ಮನುವಿದಾ ಆಕ್ಟ್‌ನ 5 ನೇ ಕ್ಲಾಜು ಕಟ್ಟಿದ ಕಾಮಗಾರಿಗಳ ಹಾಗೂ ಸ್ವಾಭಾವಿಕವಾಗಿರುವ ಜಲಾಧಾರಗಳ ಮೇಲ್ವಿಚಾರವನ್ನು ಸಹಾ ವಹಿಸಿಕೊಳ್ಳಲು ಶಕ್ತಗೊಳಿಸುವದರಿಂದ ನೀರನ್ನು ಉಪಯೋಗಿಸುವಾತನು ಪರಿಹಾರದ್ರವ್ಯದಬಗ್ಗೆ ದಾವೆಗ ಆಧಾರವಾಗಿರುವ ಉಪಯೋಗದ ವಾಯಿದೆಯು ಐದರಿಂದ ಹನ್ನೆರಡು ವರ್ಷಗಳಿಗೆ ವಾಪಿಸುವದು ಯುಕ್ತವೆಂದು ಆಲೋಚಿಸೋಣಾಗಿದೆ.

(3) ನೇ ನಿಯಮದಲ್ಲಿ ನಿವರಿಸಲ್ಪಟ್ಟ ಮಿತಿಗಳು ಬಳಿಮಟ್ಟಿಗೆ ಬೊಂಬಾಯಿ ಆಕ್ಟ್‌ನ 31 ನೇ ಪ್ರಕರಣದ ಮೇಲೆ ವೆ ಬರ್ಮಾ ಆಕ್ಟ್‌ನ 9 ನೇ ನ್ನು 39 ನೇ ಪ್ರಕರಣಗಳ ಮೇಲೆ ಆಧರಿಸಲ್ಪಟ್ಟಿವೆ. ಅಂತು (a), (b) ನೆ (j) ಅಕ್ಷರಗಳು ಹಾಕಲ್ಪಟ್ಟಿರುವೆ ಕಲಮುಗಳ ವಿಷಯವಾಗಿ ಪ್ರತ್ಯೇಕವಾಗಿ ಕೆಳಬೀಳಲ್ಪಟ್ಟಿವೆ. ಇವುಗಳೊಳಗೆ ಮೊದಲನೆಯದಾದ (a) ಕಲಮು—ಕಾಮಗಾರಿಯನ್ನು ಉಪಯೋಗಿಸಿಕೊಂಡಿದೆ ಬಹಿಷ್ಕಾರವಾದ ಬಿಟ್ಟಿಲಾವ ಭಾಗಗಳು ಅವಶ್ಯವಿರಬಹುದಾದ ಮತ್ತು ತಕ್ಕಮಟ್ಟಿಗೆ ಹಂಗಾಮಿ ಸ್ವಭಾವದ ಕಾರ್ಯಕ್ರಮ ಏರ್ಪಾಡುಗಳುಳ್ಳ ಹೊಸ ಬಡಾವಣೆಗಳಲ್ಲಿ ತಲಬ್ದೀಲುಮಾಡುವ - ವೆ - ಅಭಿವೃದ್ಧಿಪಡಿಸುವ ಕುರಿತು ಅಧಿಕ ಸ್ವಾತಂತ್ರ್ಯವನ್ನು ಹೊಂದುವಬಗ್ಗೆ ಇರಾಧಿಸಲ್ಪಟ್ಟಿದೆ, ಅಂಥ ಕಾಮಗಾರಿಗಳ ಕಳಗಿದ್ದು ಹೊಸತಾಗಿ ನೀರಾವರಿಯಾಗುವ ಭೂಮಿಗಳ ಮಾಲೀಕರಿಗೆ ನೀರು ಸರಬರಾಯಿಯನ್ನು ಅವಿಚ್ಛಿನ್ನವಾಗಿ ಹೊಂದುವಬಗ್ಗೆ ಮಾಡಲೇನ್ಯಾಯವಿಧಿತವಾದ ಹಕ್ಕುಗಳನ್ನು ಕೊಟ್ಟ ಪಕ್ಷದಲ್ಲಿ ಅಂಥ ಮಾರ್ಪಾಡುಗಳನ್ನು ಮಾಡುವಬಗ್ಗೆ ಬಹಳ ಆತಂಕ ಉಂಟಾಗುವದು. (b) ಕಲಮಿನಲ್ಲಿ ಅಡಗಿರುವ ಮಿತಿಯು, ಮದ್ರಾಸ್ (ರೆವಿನ್ಯೂ ಸಸ್ಪೆನ್ಷನ್) ಕಂದಾಯ ಕ್ರಮದೆಮೇರೆಗೆ ಇಡಲ್ಪಟ್ಟ ಸರಕಾರಿ ಲೆಕ್ಕಗಳಲ್ಲಿ "ಪೈಂಜ" ಎಂಬುದಾಗಿ ರಿಜಿಸ್ಟ್ರೇಷನ್ ಮಾಡಲ್ಪಟ್ಟ ಜಮೀನಿಗೆ ನೀರು ಸರಬರಾಯಿಯನ್ನು ತೆಗೆದು ಹಾಕಿದಬಗ್ಗೆ ಪರಿಹಾರದ್ರವ್ಯದ ಬಗ್ಗೆ ದಾವೆಮಾಡಲು ಆತಂಕಪಡುತ್ತದೆ. ಪರಂತು ರೆವಿನ್ಯೂ ಕಮಿಷನರು, ಯಾನೆ ಕಿಸೆಂವಾರು ಯಾವದೊ ಇಲ್ಲದಿರುವ ಸಂಗತಿಗಳಲ್ಲಿ ಹತ್ತು ವರ್ಷಗಳವರೆಗೆ ಸರಾಗವಾಗಿ ನೀರಾವರಿಯಾಗಿರುತ್ತಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಪರಿಹಾರದ್ರವ್ಯವನ್ನು ಕೊಡಬಹುದಾಗಿ ವಿಧಿಸೋಣಾಗಿದೆ. ಕಸರುಮಣ್ಣು ಕಡಿಮೆಯಾದಬಗ್ಗೆ ನಷ್ಟವನ್ನು ಅಂದಾಜು ಮಾಡುವದು ಅಸಾಧ್ಯವಾಗಿರುವದೇ: (j) ಅಕ್ಷರದ ಮಿತಿಯನ್ನು ಸೇರಿಸಲು ಕಾರಣವಾಗಿದೆ.

33 ರಿಂದ 38 ರ ವರೆಗಿನ ಕ್ಲಾಜುಗಳು ಪರಿಹಾರದ್ರವ್ಯದಬಗ್ಗೆನ ದಾವೆಗಳ ವಿಷಯವಾಗಿ ಅನುಸರಿಸಲ್ಪಡತಕ್ಕ ನಡವಳಿತೆಯನ್ನು ನಿಬಂಧಿಸುತ್ತವೆ, ಮತ್ತು ಬರ್ಮಾ ಆಕ್ಟ್‌ನನ್ನು ಅನುಸರಿಸಿ 39 ನೇ ಕ್ಲಾಜು, ಕಟ್ಟಲ್ಪಟ್ಟ ನೀರಾವರಿ ಕಾಮಗಾರಿಯಿಂದ ನೀರು ಸರಬರಾಯಿ ಹೊಂದುವಬಗ್ಗೆನ ಹಕ್ಕಿನ ರೂಪವಾಗಿ ಪರಿಹಾರದ್ರವ್ಯವನ್ನು ಕೊಡಲು ಅನುಮತಿಕೊಡುತ್ತದೆ.

ಮದ್ರಾಸ್ 1914 ನೇ ಇಸವಿಯ 10 ನೇ ನಂಬರು ಬಿಲ್ಲು-

10- 6 ನೇ ಅಧ್ಯಾಯವು ತಕ್ಷೀರುಗಳ ವಿಷಯವಾಗಿಯೂ, ದಂಡನೆಗಳ ವಿಷಯವಾಗಿಯೂ ವರ್ತಿಸುತ್ತದೆ, ಮತ್ತು ಅಧಿಕ ಕಠಿಣತರದ ತಕ್ಷೀರುಗಳಬಗ್ಗೆ ಅಧಿಕ ಶಿಕ್ಷೆಗಳನ್ನು ವಿಧಿಸುವ ಕುರಿತು ಅದು ಬೊಂಬಾಯಿ ಆಕ್ಟ್‌ನ್ನು ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಅನುಸರಿಸುತ್ತದೆ-

41 ನೇ - ವ - 42 ನೇ ಕ್ಲಾಜುಗಳು, ಈ ಆಕ್ಟ್‌ಗೊಳಪಡುವ ಒಂದು ತಕ್ಷೀರನ್ನು ವಿಚಾರಣೆ ಮಾಡುವ ಮೇಜಿಸ್ಟ್ರೇಟನು ಹಾನಿಹೊಂದಿದ ಮನುಷ್ಯರಿಗ ಪರಿಹಾರದ್ರವ್ಯವೆನ್ನು ಕೊಡಿಸಲು ಮತ್ತು ನೀರಾ ವೆರೀ - ಯಾ - ನೀರು ಹರಿಸುವ ಕಾಮಗಾರಿಗಳಿಗೆ ಮಾಡಲ್ಪಟ್ಟ ಹಾನಿಯೆನ್ನು ಸರಿಪಡಿಸಲಿಕ್ಕೆ ಏರ್ಪಾಡು ಮಾಡಲು ಅಧಿಕಾರಕೊಡುತ್ತವೆ-

43 ನೇ ಕ್ಲಾಜು—ಇರಿಗೇಷನ್ ಆಫಿಸರರಿಗೂ, ಅವರಿಸಲ್ಪಟ್ಟ ಇತರ ಮನುಷ್ಯರಿಗೂ ತಮ್ಮ ಸಮಕ್ಷದಲ್ಲಿ ದೊಡ್ಡ ತಕ್ಷೀರುಗಳನ್ನು ನಡೆಸುವ ಆಸಾಮಿಗಳನ್ನು ಕೈದುಮಾಡುವ ಅಧಿಕಾರಗಳನ್ನು ಕೊಡುತ್ತದೆ

ಅಂಗೀಕರಿಸಲ್ಪಟ್ಟ ಜಲಾಧಾರದಿಂದ ಪರಂತು ಅಕ್ರಮವಾದ ಮಾರ್ಗಗಳಿಂದ ನೀರನ್ನು ದೊರಕಿಸಿಕೊಂಡಬಗ್ಗೆ ಜಾಸ್ತಿ ದರದಲ್ಲಿ ನೀರು ತೆರಿಗೆಯೆನ್ನು ಹೊರಿಸುವದು ನ್ಯಾಯಸಮ್ಮತವೋ ಎಂಬುದರ ಕುರಿತ ಯಾವವಾದರೂ ಸಂದೇಹಗಳನ್ನು ನಿವಾರಣೆ ಮಾಡುವಬಗ್ಗೆ 43A ನೇ ಕ್ಲಾಜು ಸೇರಿಸಲ್ಪಟ್ಟಿದೆ- ಈ ನಿಯಮವು, ಈ ರೀತಿಯಲ್ಲಿ ಜಾಸ್ತಿದರದ ನೀರು ತೆರಿಗೆಯು ಹೊರಿಸಲ್ಪಟ್ಟ ಮನುಷ್ಯನು 40 ನೇ ಕ್ಲಾಜಿನ ಮೇರೆಗೆ ಪ್ರಾಸಿಕ್ಯೂಷನ್ ವ್ಯವಹರಣೆಗೆ ಗುರಿಯಾಗುವದೆನ್ನು ಸಹಾ ತಪ್ಪಿಸುತ್ತದೆ-

11- 7 ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಕ್ರಮಗಳನ್ನು ಏರ್ಪಡಿಸುವಬಗ್ಗೆ, ಈ ಮಸೂದಾ ಆಕ್ಟ್‌ಗನುಗುಣವಾದ ಯಾವದಾದರೂ ವಿಚಾರಣೆಯ ಉದ್ದೇಶವಾಗಿ ಸಾಕ್ಷಿಗಾರರನ್ನು ಸಮ್ಮನ್‌ಮಾಡಲಿಕ್ಕೂ ವಿಚಾರಣೆ ಮಾಡಲಿಕ್ಕೂ ಅಧಿಕಾರವು ಪಡೆಯೋಣಾಗಿದೆ- 46 ನೇ ಕ್ಲಾಜು ಮೇಲೆ ಹೇಳಿದ ಮೇರೆಗೆ ಗವರ್ನ್‌ಮೆಂಟಿನವರ ಮೇಲಾಗಲಿ, ಯಾವನಾದರೂ ಕಲೆಕ್ಟರನ ಮೇಲಾಗಲಿ, ಇರಿಗೇಷನ್ ಆಫಿಸರನ ಮೇಲಾಗಲಿ ಈ ಮಸೂದಾ ಆಕ್ಟ್‌ನಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಅಧಿಕಾರಗಳ ಚಲಾಯಿಸುವಿಕೆಯನ್ನು ನಿರ್ಬಂಧಿಸುವಬಗ್ಗೆ ಸಿವಿಲ್ ಕೋರ್ಟ್‌ನವರು ಒಂದು ಇಂಜಂಕ್ಷನ್ ಹುಕುಮು ಕೊಡಲು ಆತಂಕಪಡಿಸುತ್ತದೆ, ಮತ್ತು ಒಂದು ಸಿವಿಲ್ ಕೋರ್ಟ್‌ನವರು ಡಿಕ್ರಿಕೊಟ್ಟರೂ, ಪ್ರತ್ಯೇಕ ಒಂದು ಭೂಮಿಗೆ ಗೊತ್ತು ಮಾಡಲ್ಪಟ್ಟ ಜಲಾಧಾರವನ್ನು ಬದಲಾಯಿಸಲು, ಮಸೂದಾ ಆಕ್ಟ್‌ನ 10 (1) (a) ಕ್ಲಾಜು ಗವರ್ನ್‌ಮೆಂಟಿನವರಿಗೆ ಅಧಿಕಾರಗೊಳಿಸುತ್ತದಾದರಿಂದ, ಈ ಸಂಬಂಧವಾಗಿ 47 ನೇ ಕ್ಲಾಜು, 1865 ನೇ ಇಸವಿಯ ಮದ್ರಾಸ್ ನೀರಾವರೀ ಶಿಸ್ತಿನ ಕುರಿತ ಆಕ್ಟ್‌ನಲ್ಲಿ ಒಂದು ತಿದ್ದುಪಡಿಯೆನ್ನು ವಿಧಿಸುತ್ತದೆ- ಈ ಮೇರೆಗೆ ಸಿವಿಲ್ ಕೋರ್ಟ್‌ಗಳ ಅಧಿಕಾರಕ್ಕೆ ಉಂಟಾದ ನಿರ್ಬಂಧಗಳು ನೀರಾವರೀ ಕಾಮಗಾರಿಗಳನ್ನು ಕ್ರಮಪಡಿಸುವ - ವ - ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವ ಮತ್ತು ಅವುಗಳಿಂದ ನೀರು ಸರಬರಾಯಿಮಾಡುವ ಕುರಿತು ಇರಿಗೇಷನ್ ಆಫಿಸರರಿಗೆ ತಮ್ಮ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುವಲ್ಲಿ ಆತಂಕವುಂಟಾಗದಂತೆ ಮಾಡುತ್ತವೆ ಮಾತ್ರವಲ್ಲ; ತನ್ಮೂಲಕ ನಷ್ಟಸಂಭವಿಸಿದೆಯೆಂದು ಭಾವಿಸುವಂಥ ಖಾಸಗಿ ಜನರಿಗೆ ಸಿವಿಲ್ ನ್ಯಾಯ್ಯದ ಮೂಲವಾಗಿ ಪರಿಹಾರದ್ರವ್ಯವನ್ನು ಹೊಂದಲು ಯಿರುವ ಹಕ್ಕನ್ನು ತೆಗೆದುಹಾಕುವದಿಲ್ಲ-

ಏ- ಜಿ- ಕಾರ್ಡ್ಯೂ-

ಡಬ್ಲ್ಯೂ- ಫ್ರಾನ್ಸಿಸ್,
ಗವರ್ನ್‌ಮೆಂಟ್ ಆಕ್ಟ್ಂಗ್ ಸೆಕ್ರೆಟರಿ,
ನ್ಯಾಯವಿಧಾಯಕ ಇಲಾಖೆ.

(A true translation.)

B. RAMA RAU,
Canarese Translator to Government.

(*c*) take any other measures they may consider necessary in order to control the distribution and regulate the supply of water from any irrigation work.

Powers of Irrigation-officer to control water-supply.

(2) The Irrigation-officer in charge of any irrigation work shall have power to stop the supply of water to any water-course or to any person in the following cases for so long as he deems necessary :—

(i) Whenever such stoppage is necessary, for the purpose of—

(*a*) executing any work ordered by the Local Government or by any Irrigation-officer duly empowered in this behalf;

Section 28, Bombay Act VII of 1879.

(*b*) supplying in rotation the reasonable requirements of persons entitled to water.

(ii) Whenever a water-course is not maintained in such order as to prevent waste of water.

Power to enter for purposes of survey and inspection.

Section 13, Burma Act II of 1905.
Section 7, Bombay Act VII of 1879.

11. Any Irrigation-officer, and any person acting under the special order of an Irrigation-officer, may enter upon any lands adjacent to, or in the neighbourhood of, any irrigation or drainage work or through which any irrigation or drainage work is proposed to be made, and undertake surveys or levels thereon;

and dig and bore into the sub-soil; and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for the prosecution of any enquiry relating to any existing or projected irrigation or drainage work under the charge of the said Irrigation-officer;

and where otherwise such enquiry cannot be completed, the Irrigation-officer or such other person may cut down and clear away any part of any standing crop, fence or jungle.

Power to enter for purposes of regulation and maintenance.

Section 13, Burma Act II of 1905 (part).
Section 8, Bombay Act VII of 1879.

12. Any Irrigation-officer duly empowered in this behalf, and any person acting under the general or special order of such Irrigation-officer, may enter upon any land or building for the purpose of inspecting or regulating the use of water, or of measuring land and of doing all things necessary for the regulation, maintenance and management of any irrigation or drainage work.

Power to enter in urgent cases.

tion 18, Burma Act II of 1905.
9. Bombay Act VII of 1879.

13. In case of any accident happening or being apprehended to an irrigation or drainage work, or in case of any urgency, any Irrigation-officer, and any person acting under his general or special orders

in this behalf, may at any time enter upon any lands adjacent to, or in the neighbourhood of, any irrigation or drainage work and may repair any existing work, construct any new work, take and utilize any material, and take any measures or do anything that may, in his opinion, be necessary to prevent such accident, or to save loss or damage to any property, or to repair any damage done.

Section 19, Burma Act II of 1905.

14. Any Irrigation-officer, and any person acting under his special orders in this behalf, may, within such distance from any irrigation or drainage work as the Local Government may, by rule, prescribe, enter upon any land for the purpose of—

(*a*) depositing upon it soil or other things taken from such work or materials required for use on such work; or

(*b*) obtaining from it earth, stone or other material for repairing or altering such work.

Notice of intended entry into house, etc.

Section 15, Burma Act II of 1905.

15. If any person, in exercise of powers conferred under this chapter, proposes to enter, otherwise than with the consent of the occupier, into any building or enclosed court or garden attached to a dwelling-house into which the water does not flow from any irrigation work, he shall previously give the occupier of such building, court or garden reasonable notice in writing of his intention to do so.

Power to recover cost of repairing damage to irrigation or drainage works from occupiers of lands benefited by such damage when person causing it is not identifiable.

Section 36, Burma Act II of 1905.

16. If any damage, alteration, enlargement or obstruction to any irrigation or drainage work is caused without due authority, and if the person causing such damage, alteration, enlargement or obstruction cannot, after such enquiry as the Collector may deem sufficient, be ascertained or identified, the Collector may, after notice to the parties concerned and hearing all representations to the contrary or after the expiry of such time for the submission of representations as he may deem sufficient, recover from the occupiers of all lands which have in his opinion benefited by such damage, alteration, enlargement or obstruction the cost of repairing such damage or of removing such alteration, enlargement or obstruction, together with a penalty, which shall not exceed twenty times the assessment of such lands. Any sum recoverable under this section may be recovered as an arrear of land-revenue.

An appeal shall lie from every order of a Collector under this section to the District Collector, whose decision shall be final.

17. If any irrigation work serves partly land in an estate and partly other land, and requires repair, the Collector may, after giving notice to the landholder of the estimated cost of the repair and giving him an opportunity to urge his objection, if any, thereto, execute the repair, and the charges incurred in the execution of such repair shall, in the absence of any subsisting agreement to the contrary, be divided between the Government and the land-holder in proportion to the extent of land held by the Government and the land-holder under the said irrigation work.

Power to levy contribution towards cost of repairing irrigation works serving partly estate and partly Government land.

Provided that any area in respect of which the landholder is charged with water-cess under the Madras Irrigation Cess Act, VII of 1865, shall be excluded in making such division of the cost of repairs.

All charges payable by a landholder under this section shall be recoverable as an arrear of land-revenue.

CHAPTER IV.

Of Water-courses.

18. Any person desiring the construction of a water-course may apply in writing to the Irrigation-officer requesting him to construct the water-course, and to do all things necessary for such construction at the cost of the applicant

Application construct a water-cours

19. If the Irrigation-officer considers that the construction of such water-course is expedient, he may call upon the applicant to make such deposit as he considers necessary to cover the cost of the preliminary proceedings and the amount of the compensation likely to become payable and, upon such deposit being made, he shall cause enquiry to be made into the most suitable alignment for the said water-course, and shall cause to be marked out the land which, in his opinion, it will be necessary to occupy for the construction thereof, and shall forthwith publish a notice in every village through which the water-course is proposed to be taken that so much of such land as belongs to such village has been so marked out, and shall send a copy of such notice to the Collector of every district in which such land is situate for publication on such land.

Procedure thereupon.

The said notice shall also call upon any person who wishes to receive a supply of water through such water-course to make his application in that respect to the

Irrigation-officer within thirty days of the publication of such notice. If any such applicant appears, and his application is admitted, he shall be liable to pay his share in the construction of such water-course, and in the cost of acquiring the land for the same.

20. Within thirty days from the publication of a notice under section 19, clause (1), any person likely to be affected by the construction of the proposed water-course or interested in the land to be occupied by such water-course may apply to the District-Collector by petition stating his objection to the proposed construction. The District-Collector shall enquire into the validity of the objection after giving previous notice to the Irrigation-officer of the time and place at which such enquiry will be held.

Where the proposed water-course will pass through more districts than one, the Collector of the district in which the head of the proposed water-course will be situated shall be the District Collector for the purposes of this section.

The District Collector shall record in writing all orders passed by him under this section and the grounds thereof.

21. If no objection is made or the objection, if any, is disallowed, the District Collector shall inform the Irrigation-officer of the same and proceed to acquire the land required for the water-course under the provisions of the Land Acquisition ~~Act, 1894,~~ as if a declaration had been issued by the Government for the acquisition thereof under section 6 of that ~~Act,~~ and as if the Government had thereupon directed the Collector to take order for the acquisition of such land under section 7 of the said Act, and (if necessary) as if the Government had issued orders for summary possession being taken under section 17 of the said Act.

If the District Collector considers any objection to be valid, he shall inform the Irrigation-officer accordingly, and the latter may, if he sees fit, alter the alignment of the proposed water-course, and the District Collector shall, after notice to the persons likely to be affected by the alteration, decide whether or not such water-course shall be constructed.

Section 20, Bombay Act VII of 1879.

23. When the land has been acquired, the Irrigation-officer shall either permit the applicant to construct the said water-course, or shall himself construct it. Provided that no applicant shall be permitted to construct a water-course until he has paid any sum which may be due on account of the acquisition of the said land.

Procedure after acquisition of land for water-course.

If the Irrigation-officer shall himself construct such water-course, he shall, on its completion, give to the applicant or applicants under sections 18 and 19 notice thereof, and of any sum payable by them on account of the cost of acquiring the land and constructing the water-course.

If any compensation or expenses due under this section shall not be paid in accordance with any demand, it shall be recoverable as an arrear of land-revenue.

Section 34, Burma Act II of 1905.

24. When any applicant is, under the last preceding section, permitted to construct a water-course, the following rules and conditions shall be binding on him and his representatives in interest:—

Conditions binding on applicant placed in possession of land.

passage, across such water-course, of water-courses existing previous to its construction and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the occupants of neighbouring lands, shall be constructed by the applicant, and be maintained by him to the satisfaction of the Irrigation-officer.

Second.—Land acquired for the purpose of constructing a water-course under the provisions of section 21 shall be used only for such purpose.

Third.—The proposed water-course shall be completed to the satisfaction of the Irrigation-officer within one year after the applicant has been given permission to construct it. Provided that the Irrigation-officer may, in his discretion, extend this period.

If any of the rules and conditions prescribed by this section are not complied with, the right of the applicant, or of his representative in interest, to receive a supply of water through such water-course may be put an end to by the

lands in the neighbourhood of an irriga
tion work and may align, and construc
such water-courses thereon as he may
deem necessary or may extend and
improve any existing water-course.

(2) The procedure prescribed in sec
tions 18 to 21 shall be followed so far as
may be before any measures are taken
under this section.

Provided that sub-clause (2) shall not
apply to any measures taken for the
alignment, construction, extension or
improvement of a water-course supplied
or proposed to be supplied from a Gov-
ernment channel connected with an
irrigation work during the construction
of the channel or within three years
after it has been opened for irrigation.

The District Collector may acquire the
land required for any such water-course
in the manner laid down in section 21
as if no objection had been made to the
alignment.

27. The Collector may order the
recovery of the cost of constructing or
extending any water-course under section
26, including the amount of any compen-
sation payable or that may have been
paid on this account, in proportion to the
area of land supplied with water from
such water-course, from the owners or
occupiers of such land.

Any portion of such cost which shall
remain unpaid on such date as the
Collector may fix shall be recoverable as
an arrear of land-revenue.

Any order passed by a Collector under
this section shall be subject to appeal to
the Board of Revenue, whose decision
shall be final.

28. Any person desiring to receive a
supply of water through an existing
water-course may apply to the Irriga-
tion officer for a supply through such
water-course. If it appears to the Irri-
gation-officer expedient that such supply
should be given and that it should be
conveyed through such water-course, he
shall serve notice on the owners or
occupiers of the land supplied with water
from such water-course requiring them
to show cause, on a day not less than
15 days from the service of such
notice, why the said supply should not
be so conveyed; and, after making
enquiry, the Irrigation-officer shall make
an order determining whether, and on
what conditions, the said supply shall be
conveyed through such water-course, and
such order shall be binding on the appli-
cant and on such owners or occupiers.

An appeal shall lie from any order made by the Irrigation-officer under this section to the District Collector, whose decision shall be final.

The applicant shall not be entitled to a supply of water by reason of any order made under this section until he has complied with the conditions imposed by the Irrigation-officer and until he has paid the expense of any alteration of such water-course necessary in order to his being supplied through it.

Such applicant shall also be liable for his share of the cost of the maintenance of such water-course so long as he uses it.

Section 17, Burma Act II of 1905.

29. No water-course constructed, extended or improved under the provisions of sections 23, 26 and 28 may be altered without the consent of the Irrigation-officer.

Section 21, Bombay Act VII of 1879.
Section 23, Burma Act II of 1905.

30. Every owner or occupier of land which receives a supply of water from a water-course shall be bound—

(*a*) to construct and maintain all works necessary for the passage across such water-course of any public road or irrigation or drainage work in use at the time of its construction, and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the occupants of neighbouring lands

(*b*) to maintain such water-course in a fit state of repair;

(*c*) to allow the use of it to any person entitled by reason of an order passed under section 28.

Section 25, Bombay Act VII of 1879.

Procedure if a person receiving a supply of water from a water-course fails to fulfil obligations.

31. If any owner or occupier of land which receives a supply of water from a water-course fails to fulfil any obligation imposed on him by section 30, any Irrigation-officer duly empowered in this behalf may require him by notice to execute the necessary work or repair within a period to be prescribed in such notice of not less than 15 days, and in the case of failure, may execute the same on his behalf, and all expenses incurred in the execution of such work or repair shall be recoverable as an arrear of land-revenue.

CHAPTER V.

Of the Award of Compensation.

Section 9 (i), Burma Act II of 1905.
Section 31, Bombay Act VII of 1879

awardable for substantial damage.

32. Subject to the provisions hereinafter contained, and notwithstanding anything contained in section 7, compensation shall be awarded in respect of any substantial damage caused by the exercise

of the powers conferred by this Act which is capable of being ascertained and estimated at the time of awarding such compensation.

Provided that

(1) No claim for compensation for any damage shall be entertained after the expiration of one year from the date on which such damage first accrued, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period

(2) No compensation shall be awarded for any loss or damage arising from the stoppage or diminution of a supply of water unless such supply shall have been utilized within twelve years next before the date of the notification under Chapter II or of the publication of the order of Government under clause 10, as the case may be

(3) No compensation shall be awarded for any loss or damage sustained in consequence to

the stoppage or diminution of supply of water from an irrigation work when such supply has been received or derived for the first time after the passing of this Act

the stoppage or diminution of supply of water for irrigation to any land registered as "dry" in the public accounts; or, where no public accounts are maintained, to any land which shall not have been regularly irrigated for the ten years immediately preceding such stoppage or diminution;

(c) the stoppage, diminution or increase of a supply of water due to causes beyond the control of Government;

(d) the temporary stoppage, diminution or increase of a supply of water due to the execution of any repairs, alteration or addition to any irrigation work

(e) the temporary stoppage or diminution of a supply of water within periods fixed from time to time by the Local Government of which due notice has been given;

(f) the stoppage, diminution or increase of a supply of water whenever and for so long as is necessary to meet in rotation the reasonable requirements of persons entitled to water for irrigation;

(g) the stoppage or diminution of a supply of water to any water-course not maintained in such proper customary repair as to prevent the wasteful escape of water therefrom;

Section 9 (*a*) of Burma Act II of 1905.

(*h*) the stoppage or diminution of floods or of a supply of surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise or of underground water not passing in a defined channel.

Section 31, proviso (*b*) (3) of Bombay Act VII of 1879.

(*i*) the stoppage of the means of conveying vessels by water or of watering cattle;

Section 31, proviso (*a*) *ibid.*

(*j*) deprivation of site or diminution of the fertilizing properties of water;

Section 9 (*d*), Burma Act II of 1905.

(*k*) deterioration of climat

(*l*) displacement of labour.

Compensation for property damaged.

33. In every case of entry under sections 11, 12, 13, 14 or 26 the Irrigation-officer or other person making such entry shall ascertain and record the extent of the damage, if any, caused by the entry or by anything done under the above sections and within one month from the date of such entry compensations shall be tendered by the Irrigation-officer to the landholder or the owner of the property damaged. In case of dispute as to the extent of the damage or the sufficiency of the amount tendered, he shall forthwith refer the dispute to the Collector.

The Collector shall make enquiry as to the matters in dispute and decide the amount of the compensation.

If the Collector and the persons interested differ as to the extent of the damage or the sufficiency of the compensation, an appeal shall lie to the District Collector whose decision shall be final.

Claims to compensation to be preferred to the Collector.

34. Subject to the provisions of section 33 all claims to compensation for any damage sustained by reason of the exercise of the powers conferred by this Act shall be preferred to the Collector having jurisdiction over the local area wherein the land in respect of which compensation is claimed shall be situate.

Collector to determine the amount of compensation.

35. The Collector shall enquire into all claims under the preceding section and determine the amount of the compensation, if any, which should be awarded.

Reference to Civil Court when compensation is not accepted.

36. In cases where a temporary stoppage or diminution of a supply of water has been ordered under circumstances entitling a person to compensation under the provisions of this Act, if the compensation awarded by the Collector is not accepted by the claimant, the Collector shall refer the matter for the decision of the Civil Court.

37. Except in cases falling unde
sections 33 and 36 of this Act, th
provisions of sections nine to fourtee
(inclusive), eighteen to twenty-tw
(inclusive), twenty-six to thirty-fou
inclusive), forty-five, fifty-one to fifty
five (inclusive) of the Land Acquisitio
Act, 1894, shall, as far as may be, an
except in so far as a contrary intentio
is expressed, apply to all enquiries int
claims for compensation for exercise
powers conferred by this Act.

Provided that when the amount
compensation proposed to be awarded o
any one such claim shall exceed Rupe
5,000, the Collector shall submit h
award to the Board of Revenue befor
he makes it, and the Board of Revenu
may, subject to such rules as the Goverr
ment may make in this behalf, revise an
such award, and the award as so revise
shall be deemed to be the award of th
Collector.

38. In determining the amount
compensation to be awarded in enquirie
made under the last preceding sectio
regard may be had among other conside
ations to the diminution in the marke
value, at the time of awarding compens
tion of the property in respect of whic
compensation is claimed, and where th
diminution in the market-value is n
ascertainable, the amount shall
reckoned at twelve times the amount
the diminution of the annual net profi
of such property caused by the exercise
the powers conferred by this Act

In cases where compensation has bee
awarded for any damage caused by th
construction, extension, improvement
alteration of a water-course or the convey
ance of water through an existing wate
course under section 18 to 25 and 28, th
amount of such compensation shall
recoverable by the Government from th
persons at whose instance action has bee
taken under those sections as an arrear
land-revenue.

39. (1) When any land or the u
thereof is required for the purpose of an
irrigation or drainage work, either temp
rarily or permanently, the Collector ma
subject to the general or special sanctio
of the Local Government and with th
consent of the person entitled to compe

purpose of such irrigation or drainage work, the rights to the land and the enjoyment thereof in any manner not inconsistent with the use by Government shall remain with the persons so entitled, compensation being awarded only in respect of the user by Government, or

(*b*) confer on the person so entitled, in lieu of or as part of any compensation, a right to a supply of water from such irrigation work.

(2) Subject to the conditions of any award or order made under sub-section (1), clause (*a*) or (*b*) of this section, the person entitled to the land may, if it has been occupied for the purpose of any irrigation or drainage work for a period exceeding three years, request the Collector to make a complete acquisition of the land under the Land Acquisition Act, 1894, and the land shall be acquired accordingly.

CHAPTER VI.

Of Offences and Penalties.

40. Whoever, without proper authority and voluntarily, does any of the following acts, that is to say :— Offences under the Act.

(1) damages, alters, enlarges or obstructs any irrigation or drainage work ;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful for the purpose for which it was constructed;

(3) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any irrigation or drainage work ;

(4) after issue of a notification under section 5 constructs, removes or alters any dam, weir, embankment, sluice, channel or other work in contravention of the provisions of that section ;

(5) disobeys any order made under section 28 ;

(6) corrupts or fouls the water of any irrigation work so as to render it less fit for the purposes for which it is ordinarily used

(7) destroys, injures, defaces or moves any land-mark, level-mark or water-gauge fixed by the authority of a public servant

(8) causes animals or vehicles to pass on or across any of the works, banks or channels of a drainage or irrigation work after such passage has been prohibited by the District Collector

(9) causes or permits animals to graze or be tethered upon the bank or border of any irrigation or drainage work after such grazing or tethering has been prohibited by the District Collector ;

(10) removes or injures any tree bush, grass or other vegetation intended for the protection of any irrigation or drainage work ;

(11) commits any breach of any rule made in accordance with the provisions of section 44 for breach whereof the Governor in Council shall, in such rules, direct that a penalty may be incurred ;

shall be liable, on conviction before a Magistrate, in the case of offences under sub-sections (1) to (4), to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding six months, or to both, and in the case of offences under sub-sections (5) to (11), to a fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month, or to both.

41. Whenever any Magistrate imposes a fine upon any person for an offence under this Act, he may direct that the whole or any part of such fine may be paid by way of compensation to the person injured by such offence.

42. When any person is convicted of an offence under section 40, or of the offence of mischief, under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that he shall remove the obstruction or repair the damage or replace or repair the land-mark, level-mark, water-gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation-officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Collector as an arrear of land-revenue.

Power to arrest.

42. Any Irrigation officer or other person duly empowered in this behalf in charge of or employed upon any irrigation or drainage work may remove from any land or buildings appertaining thereto any person who in his view commits any of the offences mentioned in sub-sections (1), (2), (3) and (7) of section 40 and may, if his name and address be unknown or if he refuses to give his name or address or there be reason to believe that he has given a false name or address, arrest such person and forthwith take or send him to the nearest Magistrate or police-station.

Penalty for irrigation in contravention of rules.

43-A. When in the opinion of the Collector water has been taken for the purpose of irrigation from any Government source or work in contravention of the provisions of section 10 or in violation of any rule made under section 44, it shall be lawful for the Collector to impose in addition to the water-cess, if any, leviable under the Madras Irrigation Cess Act, 1865, and subject to such rules as the Local Government may prescribe in this behalf a penalty not exceeding twenty times the assessment leviable on the land to which the water has been taken.

Provided that where the person has become liable to a penalty under this section and his act also amounts to an offence under section 40 he shall not be liable both to pay a penalty under this section and also to undergo prosecution for the offence.

CHAPTER VII.

Supplementary Provisions.

Rules.

Power to make rules.

44. The Local Government may, from time to time after previous publication, make rules consistent with this Act to regulate the following matters: —

(1) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(2) the cases in which and the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;

(3) the persons by whom, and the time, place or manner at or in which,

anything for the doing of which provision is made in this Act shall be done

the officers by whom, and the local limits within which, all or any of the powers or duties conferred or imposed by this Act shall be exercised or performed:

describing the forms and the mode of service of notices and orders under this Act where no form or mode of service is prescribed by this or any other Act; and directing the manner in which any notification shall be published

the conditions subject to which supplies of water may be made under

STATEMENT OF OBJECTS AND REASONS.

The advisability of legislating in order clearly to define the position of the State in respect of irrigation was recognized as early as 1856 when the Governor in Council directed the drafting of an Act to set out "what is clearly the common law of the country, *viz.*, that rivers and natural streams as well as springs in unoccupied or Government land belong to Government." The Bill prepared in pursuance of that direction accordingly contained a declaration to this effect and further enunciated "the undoubted right of Government to levy a reasonable tax" for the use of the water from the sources mentioned. As, however, the need for legislation did not at that time appear to be urgent, it was ordered in 1861 that the Bill should lie over for future consideration; and for many years no further action was taken.

2. In 1880 the subject was revived by the publication of the report of the Famine Commission, which drew specific attention to the "great inconvenience occasioned by the absence of any "irrigation law for Madras." As a result of the discussion thus initiated a new Bill was prepared in 1884 with the object of "establishing the law relating to irrigation and navigation works." This draft, based substantially on the Bombay Irrigation Act, 1879, was referred to a Select Committee which after making certain alterations reported by a considerable majority in favour of its provisions. The measure as thus altered was, however, condemned by the Board of Revenue as unsuited to the conditions of the Madras Presidency, and in 1888 the Bill was, by order of Government, withdrawn.

3. The difficulties which arise from the want of a precise enactment enabling the State to control and regulate irrigation in the interests of the general community continued to obtrude themselves upon the notice of Government, and in 1898 the Board of Revenue was consulted as to the advisability of legislating. The reference requested the Board to collate the various decisions of the civil courts and to report in consultation with district officers as to the nature and extent of the legislation requisite in order to define and secure the paramount authority of the State to control irrigation to the best advantage for the public good. The resolution submitted in reply dealt exhaustively with the subject, and while the complex issues involved were still under consideration, the Board's recommendation to legislate received strong confirmation from the report of the Indian Irrigation Commission, for the Commissioners in Volume II of their report—particularly paragraphs 272 to 286—warmly advocated the enactment of an irrigation law for this Presidency. The Government accepted the concurrent conclusions of these authorities as to the need for legislation and in 1905 placed an officer on special duty for the purpose of drafting an Irrigation Bill. The result of his labours was subjected to prolonged scrutiny, and in March 1908 a draft Bill was referred to the Board of Revenue for report in consultation with selected revenue officers and representative private bodies and individuals, while the High Court and the Advocate-General were simultaneously requested to favour Government with their observations and arrangements were made to procure a general expression of the views of competent officers of the Public Works Department with regard to the matters in issue. The replies received gave rise to radical alterations in the Bill and in the end of 1909 a re-draft was prepared eliminating the principal defects which had excited adverse criticism in the previous Bill. Framed mainly on the lines which legislation relating to irrigation had followed in other Provinces of India during the preceding 35 years, the revised Bill was referred for scrutiny to the same authorities as the measure of 1908 and at the same time was laid on the Editors' Table with an explanatory Order (G.O. No. 3172, Revenue, dated the 19th November 1909), so as to ensure the full benefit of public criticism and suggestion. In consequence of the opinions elicited the revised Bill, underwent further alterations both in substance and in form, and the measure ultimately assumed the shape in which it is now proposed to introduce it in the Legislative Council.

4. The history of the Bill having thus been set out, it remains to expound the main objects and reasons underlying its provisions.

In framing the Bill the Burma Canal Act, 1905, being the latest enactment relating to irrigation, was adopted as the original model, but on final revision the provisions of the Bombay Irrigation Act, 1879, have in some cases been preferred as more suitable on the whole to the conditions prevailing in this Presidency. Certain subjects dealt with in those enactments, such for instance as "canal navigation" and "labour" (*vide* Chapters VII and IX of the Burma Act) have, however, been intentionally excluded as unconnected with the main objects now in view.

5. Chapter I embodies the necessary preliminary definitions. These have for the most part been taken from the Burma Act, subject to certain modifications necessitated by local conditions. Mention may in particular be made of the substitution of the term "irrigation work" for the word "canal." Clause 4 makes provision for the grant of powers under the Act to the officers charged with the duty of applying it and enables the Local Government to delegate its functions in this respect.

6. Chapter II treats of the application of water and the assumption of control of works for public purposes. The opening clause (5) incorporates sections 6, 12 and 51 of the Burma Act, and enables the Local Government by notification not only to apply the water of any river or stream or natural collection of water for the purpose of any existing or projected irrigation or drainage work but also to assume control over any such work which has not been constructed

or maintained by Government. Upon the issue of a notification under this chapter the provisions of the next succeeding Chapters—III and IV—automatically apply; the Local Government has full powers of control and regulation, subject only to the payment of compensation for substantial damage, for which provision is made in Chapter V; private interference with the water notified is prohibited; and private rights can only be acquired by grant or prescription subsequent to the date of the notification.

Chapter III, relating to the control of water and of works generally, deviates from the Burma model, which merely enumerates the exceptional circumstances justifying interference with the supply of water to any water-course or any person. In view of the inconvenience noticed by the Irrigation Commission as arising from the absence of any statutory definition of the rights of Government over irrigation it has been thought preferable specifically to declare what powers are possessed by Government and irrigation officers in regard to the construction of irrigation works and the control of water-supply. Clauses 9 and 10 of the Bill have been drafted accordingly, an exception being made in cases where the conditions are governed by special contracts.

As against the arbitrary use of the powers declared ample protection is afforded to the owners of irrigated land in the shape of the compensation admissible in respect of substantial damage under Chapter V, but risk of obstructive action on their part is obviated by a later clause (46) which bars any suit or application in a civil court for the issue of an injunction to restrain the exercise of the statutory powers conferred upon Government and its officers.

Clauses 11 to 15 give the requisite power of entry upon land or buildings, for the purpose of survey, inspection and any other action necessary for the regulation, maintenance and management of irrigation or drainage works.

Clause 16, following section 36 of the Burma Act, provides for the recovery of the cost of repairing any damage caused to such works from the occupiers of the lands which derive benefit from that damage, if the person causing it is not identifiable; provision is further made for the infliction of a substantial penalty, not exceeding twenty times the assessment of the land benefited, in order to meet cases in which the actual cost of repairs is trivial and the offender a mere tool of influential persons but the mischief done affects a large extent of irrigated land and causes material injury to ryots having preferential claims to the water wrongfully diverted.

Clause 17 deals with the subject of contributions towards the repair of irrigation works which serve jointly estate and ryotwari land. In the interests of the ryots affected it is essential that Government should have power to carry out necessary repairs without delay, and where the expenditure so incurred benefits an estate, the landholder is equitably liable to contribute to the cost of repair unless he pays a separate cess for the water-supply which he receives.

8. Chapter IV treats of water-courses. Clauses 18 to 25 prescribe the procedure to be followed in the construction of water-courses upon application made to an irrigation officer for such purpose, while clause 26 enables the irrigation officer of his own initiative to construct new water courses or to extend and improve those already existing. In view of the importance of adequate provision for the rapid construction of water-courses in connection with any large scheme of irrigation and in order to ensure the timely development of such schemes and the realization of the returns in the period anticipated in the financial forecasts, the procedure prescribed for the acquisition of land in the case of private applications has been intentionally simplified in the proviso to clause 26, which governs acquisitions made by an irrigation officer *suo motu* for the purpose of new works.

Under clause 27 the cost incurred by the irrigation officer on the construction, extension and improvement of water-courses is recoverable from the owners or occupants of the land irrigated by water therefrom.

The provisions of this chapter have been taken mainly from the Burma Act, though in some cases, *e.g.*, clauses 19, 21, 23, 30 and 31, the wording of the Bombay enactment is followed as being more clear. These models have been departed from however in one respect, namely, in that the water-courses after construction will remain the property of Government and possession will not be made over to the applicants. The deviation is in accordance with the prevailing practice in this Presidency, according to which irrigation channels are ordinarily treated as State property subject to communal or private rights of user. This method of treatment, besides simplifying the Bill, has the further advantage of avoiding occasions for dispute as to rights and liabilities which would inevitably arise if the ownership of water-courses were vested in an uncertain number of private persons with varying and often conflicting interests.

9. Chapter V brings together all provisions relating to the award of compensation. The general principle adopted is that compensation should be granted in respect of any substantial damage caused by the exercise of the powers conferred by the Bill, and the limitations to which that principle is subjected are set out in clause 32.

Proviso (1) to that clause follows section 10 of the Burma Act and prescribes that claims for compensation must ordinarily be made within one year of the date on which the damage first accrued.

Proviso (2) is taken from section 9 (*g*) of the same Act; but in view of the fact that clause 5 of the Bill enables the Government to assume control of artificial works as well as natural sources, it has been thought advisable to extend from five to twelve years the period within which user of water will support a claim to compensation.

The limitations enumerated under proviso (3) are, for the most part, based on section 31 of the Bombay Act and sections 9 and 39 of the Burma Act. But special mention should be made of the items lettered (*a*), (*b*) and (*j*). The first of these, item (*a*), is intended to secure greater freedom for the alteration and improvement of new extensions of irrigation under which the initial arrangements are to some extent tentative and may be found after trial to require modifications the introduction of which would be seriously hindered if the holders of land newly irrigated thereunder were permitted forthwith to acquire legal rights to the continuance of the supply of water. The limitation embodied in item (*b*) bars claims to compensation for the withdrawal of a supply of water from land registered as "dry" in the public accounts maintained under the Madras revenue system, but in cases where no revenue classification exists compensation is declared admissible if irrigation has taken place regularly for a period of ten years. The limitation lettered (*j*) has been inserted because of the impracticability of estimating damages ascribed to the diminution of silt.

Clauses 33 to 38 lay down the procedure to be followed in dealing with claims to compensation, and clause 39, following the Burma model, permits the grant of compensation in the shape of a right to a supply of water from the irrigation work constructed.

10. Chapter VI deals with offences and penalties and intentionally follows the Bombay Act in providing heavier penalties for offences of a more serious nature.

Clauses 41 and 42 enable a Magistrate dealing with an offence under the Act to award compensation to persons injured and to take measures to make good the injury done to irrigation or drainage works.

Clause 43 confers upon irrigation officers and other selected persons powers of arrest in cases where serious offences are committed within their view.

Clause 43-A has been inserted in order to remove any doubts as to the legality of levying enhanced water-rate in cases where water has been taken from the recognized source but by irregular means. The proviso saves any person thus charged with enhanced water-rate from prosecution under clause 40 as well.

11. In chapter VII power is taken to make rules and to summon and examine witnesses for the purposes of any inquiry under the Bill, while, as already stated, clause 46 bars the issue of an injunction by a civil court to restrain the exercise of any of the powers conferred by the Bill upon the Government or upon any Collector or irrigation officer, and clause 47 embodies an amendment of the Madras Irrigation Cess Act, 1865, necessitated by the fact that clause 10 (1) (*a*) of the Bill empowers Government, notwithstanding the decree of a civil court, to change the source of irrigation assigned to particular land. The restrictions to which the jurisdiction of the civil courts is thus subjected, while ensuring that irrigation officers shall not be hampered in the exercise of their powers for the regulation and control of irrigation works and the supply of water therefrom, will not take away from private persons who may consider themselves damnified thereby the right to seek compensation by civil suit.

A. G. CARDEW.

W. FRANCIS,
Asst. Secretary to Government, Legislative Dept.

No. 11 OF 1914.

A Bill to amend the Madras Uncovenanted Officers Act, 1857.

WHEREAS it is necessary to define more clearly the powers of Deputy Collectors appointed under the Madras Uncovenanted Officers Act, 1857; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Deputy Collectors Act, 1914.

(2) It extends to the whole of the Presidency of Madras.

2. A Deputy Collector appointed under the Madras Uncovenanted Officers Act, 1857, may be placed by the District Collector in charge of a particular division of the district to which the Deputy Collector has been appointed.

3. The expressions "Subordinate Collector" and "Assistant Collector" in section 3 of Madras Regulation VII of 1828 shall include and be deemed always to have included a Deputy Collector appointed under the Madras Uncovenanted Officers Act, 1857.

STATEMENT OF OBJECTS AND REASONS.

Under the first sub-section of section 3 of Madras Regulation VII of 1828, a Subordinate or Assistant Collector in divisional charge has *ex-officio* authority within his division to exercise all the powers conferred by law on Collectors.

Under section 3 of the Madras Uncovenanted Officers Act, 1857, a Deputy Collector in divisional charge possesses only such powers as have been assigned to him by the Collector of the district. The Government are advised that an order of assignment merely covers powers vesting in the Collector on the date of the order and does not extend to powers subsequently bestowed upon him: in other words, a fresh order of assignmnet is strictly speaking necessary on every occasion when additional statutory powers are conferred upon a Collector and it is desired to give a Deputy Collector in divisional charge authority to exercise such additional powers. The object of the Bill is to obviate the necessity for such orders of assignment and to place Deputy Collectors in this respect on the same footing as Subordinate and Assistant Collectors. The opportunity has been taken formally to authorize the practice of appointing Deputy Collectors to take charge of divisions.

A. G. CARDEW.

W. FRANCIS,
Ag. Secretary to Government, Legislative Dept.

The
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WEDNESDAY, 11TH FEBRUARY 1914.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY.

(To be translated into Marathi, Gujarati and Kánarese, and the translations to be published in the "Bombay Government Gazette." The dates of publication to be reported.)

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill further to amend the Bombay Irrigation Act, 1879, and the Bill as amended by the Select Committee, are, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Legislative Council, published for general informatio

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. IV. OF 1913.

(*A Bill further to amend the Bombay Irrigation Act, 1879.*)

We, the undersigned Members of the Select Committee appointed to consider the Bombay Irrigation Act Amendment Bill, IV of 1913, have carefully examined the Bill and have the honour to report as follows :—

In *clause 2* of the Bill we have amended sections 73, 74 and 81, on the lines suggested by the Honourable Mr. Godbole and the Honourable Ráo Bahádur Rodda, so as to make provision for an increased period for the submission of objections, and for more extensive publication of the notifications and the Record-of-rights, respectively.

2. *Section 73.*—The Honourable Mr. Godbole proposed that tanks used by a single irrigator only should be specifically excluded from the Bill. But the Committee held that their exclusion was unnecessary, as such "one-man tanks," apart from any exceptional cases that might arise, will not in fact be notified under this Amending Act, and, if they were specifically excluded, it might lead to some difficulties in view of the joint family system in India.

3. In *section 75* some alterations in drafting have been made; and in particular we have provided, at the end of the section, as proposed by the Honourable Mr. Curtis, that an appeal shall lie to the Collector against

any order of a Canal-officer passed under this Amending Act. The Honourabl Ráo Bahádur Rodda and the Honourable Mr. Godbole proposed that offence in connection with Second-class Irrigation Works should be punishable unde the Act with fine only and not with imprisonment. It was pointed out however, by the Honourable the Chairman that ordinarily works of som considerable size only would be notified under the Act, and that there was n reason why the penalties should be less severe than in the case of First Clas Irrigation Works. The proposal was therefore negatived.

4. *Sections 76 and 77.*—As proposed by the Honourable Mr. Godbole, it was decided that the "Canal-officer" should be a Revenue Officer not below the rank of a Mámlatdár

5. The drafting of *section 79* (original section 78) regarding the commutation of rights, was defective, and we have accordingly recast the section.

Under this section, to take an instance that might arise, power is given to the Canal-officer to buy out the rights of any irrigator whose conduct or interests are likely seriously to conflict with the rights of the majority of the irrigators.

6. With reference to *section 81* the Honourable Mr. Godbole proposed that time should be given for revision of the Record-of-rights after it has been published under that section and before it is brought into operation; but the proposal was not approved by the Committee.

7. After discussion the proviso to *section 82* was retained, as it does not add to the powers of Government but serves merely to remove doubt and prevent unnecessary litigation.

8. The limitation period provided by *section 83 (3)* for suits with reference to entries in the Record-of-rights has been made to run from the date of the order passed by the final appellate authority, as in section 1 of Bom. Act XI of 1912 (An Act further to amend the Bombay Land Revenue Code, 1879).

9. *Section 84.*—In regard to the obligation imposed on the persons enjoying the use of the water to carry out petty repairs, the Honourable Mr. Godbole proposed that such obligation should be confined to the clearance of silt; the proposal, however, was not adopted by the Committee. A proposal by the Honourable the Thákor Sáheb of Kerwáda that "petty repairs" should be in some way defined was also not adopted; and section 84 was retained as originally drafted with a few slight changes, particularly in sub-section (5). In new section 85 the word "alienated" was altered to "all other", so as to cover the case of a tálukdár's estate.

Minute of dissent by the Honourable Mr. K. R. Godbole.

I may be permitted to make the following remarks regarding some of the alterations proposed by me which were not accepted by the Select Committee :—

Section 73 of Amended Bill.—I proposed adding the words "by more than one irrigator" in line 21 before the words "a second-class irrigation work". The amendment was suggested with the object of excluding from the operation of the Bill, private irrigation works affecting single irrigators. There are likely to be no disputes in connection with such works, and Government intervention and control are therefore unnecessary in their case. If there are family disputes in rare cases of joint ownership, they can be settled as joint well-water disputes are, at present, under existing laws and regulations.

Section 75 of Amended Bill.—Myself and the Honourable Ráo Bahádur Rodda proposed that imprisonment should be taken away as punishment for offences in connection with second-class irrigation works. These works will necessarily be less efficiently maintained, watched and controlled than Government first-class irrigation works on which there are constant periodical repairs and costly establishment entertained for supervision and maintenance. Offences on the second-class irrigation works should therefore be less rigorously punished than those on first-class irrigation works.

Section 81 of Amended Bill.—I wanted the "Record-of-rights" to be published provisionally after its preparation and revision with the object of inviting objections, if any, from parties interested. I wanted that such objections should be duly considered, and then the Record-of-rights should be published as final record approved by Government. This procedure was suggested with the object of minimising complaints and appeals in connection with the "Record".

Section 84 of the Amended Bill.—As Government get a considerable revenue from second-class irrigation works and do not spend heavily on their repairs in ordinary years, I consider that the irrigators should be relieved as far as practicable, of their responsibility sanctioned by long custom, of executing petty repairs. My idea is to appoint one or two patkaries or manegars for each important second-class irrigation work and make them responsible for executing all petty repairs, attending to water distribution and so on. The funds for the payment of these men should be the existing village funds supplemented by grants from Government. Such repairs as general periodical silt clearances, which cannot be executed and attended to by patkaries and manegars, should be made obligatory on the irrigators and the obligation enforced by law. Government should take into consideration the fact that all these second-class irrigation works were originally constructed from private and not from State funds, and the burdens on the irrigators under them should therefore be lightened as far as practicable.

(Signed) K. R. GODBOLE.

Minute of dissent by the Honourable Sardár Dulabawa Raisingji, Thákore of Kerwáda.

While agreeing with the principles of the Bill, I cannot conceive of an instance ıich could ever necessitate the declaration of a "one-man tank or well", for the ırpose contemplated by this Act. The bare assertion that "in fact such tank will not notified" is not enough, when we do not recognise such exclusion while we legislate. I, therefore, submit that some safeguard is necessary, and I do apprehend that in the absence of a clear expression to that effect in the Act, difficulty may arise in case a tank or a well which is constructed by a Thákor or a tálukdár or any proprietor, is notified, for there is nothing in the Act to prevent such tank or well being notified.

(Signed) BHASAHEB *alias* DULABAWA RAISINGJI
(Thákore of Kerwáda).

BILL No. IV OF 1913.

An Act further to amend the Bombay Irrigation Act, 1879.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay Irrigation Act, 1879, (hereinafter referred to as "the said Act") in manner hereinafter appearing. It is hereby enacted as follows:— Bom. VII of 1879.

1. This Act may be called the Bombay Irrigation ~~Act~~ Amendment Act, 191 Short title.

2. After section 71 of the said Act the following heading and sections shall be added, namely:— Insertion of a new Part X.

"PART X."

Of Second-class Irrigation Works.

"72. This Part shall apply to Second-class Irrigation Works only. Application of this Part.

"73. (*1*) The Governor in Council may publish a notification in the *Bombay Government Gazette*— Notification of Second-class Irrigation Work.

(*a*) declaring that it is proposed to constitute any canal, channel, stream, river, pipe or reservoir, natural or artificial, or any part thereof, whether constructed, maintained or controlled by Government or not, which is actually used or required for the purposes of irrigation, a Second-class Irrigation Work;

(*b*) fixing a period of not less than ~~three~~ *four* months *from the date of publication of such notification in the Bombay Government Gazette* for the submission of objections to such proposal.

(*2*) *After the publication of such notification in the Bombay Government Gazette it shall also be published by the Collector as soon as practicable in the language of the district at the Mamlatdar's Office of the taluka in which the work is situated and in every town and village which in the opinion of the Collector is likely to be affected by such notification.*

(*3*) After considering such objections as may have been received within the period fixed as aforesaid the Governor in Council may by notification in the *Bombay Government Gazette*, declare such canal, channel, stream, river, pipe or reservoir or any part thereof to be a Second-class Irrigation Work.

"74. When a notification has been issued under ~~section 73-(2)~~ *sub-section (3) of section 73* the Collector shall publish in the language of the district ~~in every town and village in the neighbourhood of the Second-class Irrigation Work so notified, a proclamation~~ *at the Mamlatdar's Office of the taluka in which the work is situated, and in every town and village which in his opinion is likely to be affected by such declaration, a proclamation*— Proclamation by ~~canal officer~~ *the Collector.* *Cf.* VI 1873, s

(*a*) specifying, as nearly as possible, the source of supply, situation and limits of ~~such work~~ *the Second-class Irrigation Work notified under sub-section (3) of section 73;*

(*b*) ~~explaining the consequences which, as hereinafter provided, have ensued on the notification of such work;~~ ~~and~~

(b) stating that this Part applies to the work so notified from the date of the notification published under sub-section (3) of section 73; and

(*c*) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right in the work so notified either to present to the Collector within such period a written notice specifying, or to appear before him and state, the nature of such right.

"75. (*1*) A Second-class Irrigation Work shall be deemed to be a canal within the meaning of ~~the said Act for the purposes of the following provisions thereof only, namely~~ *sub-section (1) of section 3 and to such work the following sections and Parts only shall, so far as may be, apply, namely*:— Application of certain sections of the Main Act.

Sections 3 (3) (5) (6) (7), 4, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 30, Part V, Part VIII, *except sub-section (8) of section 61 and* Part IX.

(*2*) The aforesaid ~~provisions of the said Act~~ *sections and Parts* shall, for the purposes of this Part, be subject to the following modifications, namely:—

(*i*) in section 16 before the word 'any' prefix the words—

'Subject to any rights recorded in the Record-of-rights ~~framed under section 76~~ *prepared or revised as hereinafter provided*

(*ii*) In section 17 before the word any' prefix the words 'Subject as aforesaid'

(*iii*) In section 21, ~~clause (b) shall be omitted and~~ for clause (*d*) ~~in the same section~~ the following shall be substituted, namely :—

(*d*) To have a supply of water on such terms as may be prescribed in the Record-of-rights ~~framed under section 76~~ *prepared or revised as hereinafter provided'*.

(*iv*) To section 22 the following proviso shall be added, namely :—

Provided that no such private arrangement shall affect any rights to water recorded in the Record-of-rights ~~framed under section 76~~ *prepared or revised as hereinafter provided'*.

(*v*) In section 30 for the words 'every agreement for' the words 'all rights to' shall be substituted, and in the same section after the word 'property' the words 'which have been recorded in the Record-of-rights ~~framed under section 76~~ *prepared or revised as hereinafter provided'* shall be inserted. Paragraph 2 of the same section shall be omitted.

(*vi*) In Part V, *section 31*, proviso clause (*a*) and the last paragraph, ~~of section 31~~ shall be omitted.

(*vii*) In Part V, section 34, the words section 6, section 7' shall be omitted.

(*viii*) *In Part IX, section 67, after the figures '48' the words 'and Part X' shall be inserted.*

"76. (*1*) As soon as possible after the expiry of the period fixed by the Collector under section 74, (*e*) *clause* (*c*) a canal-officer duly empowered in this behalf, *who shall be a Revenue officer not below the rank of a Mamlatdar*, shall enquire into and settle claims to any right in the Second-class Irrigation Work, and shall record ~~in writing~~ the extent of such right and draw up in the form from time to time prescribed by ~~Government~~ *the Governor in Council* an Irrigation Record-of-rights so far as the same may be ascertainable from the records of Government and the evidence of any person likely to be acquainted with the same.

Framing of Record-of-rights.

(*2*) Such Record-of-rights shall contain the following matters :—

(*a*) the nature of the Second-class Irrigation Work and any work subsidiary thereto,

(*b*) the lands irrigable therefrom,

(*c*) the custom or rule of irrigation,

(*d*) the rights to water and the conditions on which such rights are enjoyed and

(*e*) such other matters as ~~Government~~ *the Governor in Council* may by rules prescribe in this behalf.

"77. (*1*) For the purposes of the inquiries under section 76 such canal-officer may enter, by himself or any officer authorised by him for the purpose, upon any land adjacent to any such work, and may survey, demarcate and make a map of the same. Cf. 18

Powers of canal-officer.

(*2*) Notwithstanding anything contained in section 76 where no sufficient evidence is forthcoming as to all or any of the matters specified in that section such canal-officer shall, so far as may be, settle and record the aforesaid matters in such manner as he may deem fit.

(3) "78. The Record-of-rights prepared under section 76 may be revised from time to time by a canal-officer duly empowered in that behalf, *who shall be a Revenue officer not below the rank of a Mamlatdar.*

~~"78. In case the canal officer making an enquiry under section 76 finds it impossible, having due regard to the maintenance of the Second-class Irrigation Work to make such settlement as shall ensure the continued exercise of the said rights to the extent so recorded, he shall (subject to such rules as the Local Government may from time to time prescribe in this behalf) commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit~~ Cf. 18

Commutation of rights.

79. Where the canal-officer who has prepared or revised any Record-of-rights under this Part finds that, having due regard to the maintenance or management of the Second-class Irrigation Work, any right contained in the Record-of-rights cannot continue to be exercised to the extent recorded, he shall (subject to such Cf. 187

Commutation of rights.

rules as the Governor in Council may from time to time prescribe in this behalf) commute such right wholly or in part, either by the payment to the holder of such right of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he may think fit; and he shall revise the Record-of-rights accordingly.

Power of Government where works are undertaken increasing supply.

"80. In the event of Government undertaking at their own cost any work whereby the supply of water in any Second-class Irrigation Work is increased beyond the amount of such supply at the time of ~~framing the record of rights under section 76 Government~~ *preparing or revising the Record-of-rights under this Part the Governor in Council* may, without prejudice to any rights so recorded, direct that the right to such surplus water shall vest in Government and shall be applied as Government may deem fit and the Record-of-rights shall be revised in accordance with such direction.

Publication of Record-of-rights.

"~~79~~ *81.* When any Record-of-rights has been prepared or revised under this ~~Act~~ *Part* it shall be published in the language of the district ~~in every town and village in the neighbourhood of the Second-class Irrigation Work~~, *at the Mamla dar's Office of the taluka in which the work is situated and in every town and village which in the opinion of the Collector is affected by such Record-of-rights.*

Cf. Punj. III of 1905, s. 28 (2).

Entries in the Record-of-rights to be relevant as evidence.

"~~79A.~~ *82* ~~Entries in any~~ *An entry in any* Record-of-rights prepared or revised under this ~~Act~~ *Part* shall be relevant as evidence in any dispute as to the matters recorded, and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor:

provided that no such entry shall be so construed as to limit any of the powers conferred on ~~Government~~ *the Governor in Council* by this ~~Act~~ *Part.*

Cf Punj. III of 1905, s. 67.

Notice of suit to be given to the Collector.

"~~79B.~~ *83.* (*1*) In any suit or proceeding in which an entry made in any Record-of-rights prepared *or revised* under this ~~Act~~ *Part* is directly or indirectly called in question, the Court shall, before the final settlement of issues, give notice of the suit or proceeding to the Collector, and if moved to do so by the Collector, shall make the Secretary of State for India in Council a party to the same.

Suits against Government.

(*2*) Save as provided in sub-section (*1*) no suit shall lie against Government in respect of anything done by the Collector, canal-officer or any other person acting under the orders of ~~the Local~~ Government in the exercise of any power by this ~~Act~~ *Part* conferred on such Collector, canal-officer or other person or on Government.

Period of limitation.

(*3*) Any suit or proceeding in which an entry made in any Record-of-rights prepared *or revised* under this ~~Act~~ *Part* is directly or indirectly called in question shall be dismissed (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the publication under section ~~79~~ *81* of the Record-of-rights containing the said entry, *or, if one or more appeals have been made against any order of a canal-officer with reference to any entry in such Record-of-rights, then from the date of any order passed by the final appellate authority, as determined according to this Part.*

Cf. Bom. XI of 1913 s. 2 1.

~~Saving of anything done in good faith.~~

~~"79C. No suit, prosecution or other legal proceeding shall lie against any person for anything done, or in good faith intended to be done, under this Act or the rules made thereunder.~~

Cf. Punj. III of 1905, s. 66.

~~Power of Government where works are undertaken increasing supply.~~

~~"80. In the event of Government undertaking at their own cost any work whereby the supply of water in any Second-class Irrigation Work is increased beyond the amount of such supply at the time of framing the record of rights under section 76 Government may, without prejudice to any rights so recorded, direct that the right to such surplus water shall vest in Government and shall be applied as Government may deem fit and the record of rights shall be revised in accordance with such direction.~~

Obligation to carry out petty repairs.

"~~81~~ *84.* In every Second-class Irrigation Work the following repairs shall be performed by the persons on whom the obligation to perform them is imposed by the next following section that is to say:—

(*1*) The filling up of gullies, ruts and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds, of tanks, channel-banks or other portions of the said Second-class Irrigation Work.

(2) The prevention of the growth on ~~the said~~ *such* work of prickly pear, ~~wild~~ ~~roton~~, young trees and other vegetation endangering the safety or concealing the condition of ~~the~~ *such* work.

(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of such work.

(4) The clearance of silt from sluices, supply and distributing channels.

(5) The clearance ~~of spaces between the upright stones of waste weirs and the regulation of waste weirs according to the requirements of the season~~ *of waste weirs and waste channels.*

Incidence of obligation.

"~~82~~ 85. The obligation to perform the repairs prescribed by the last preceding section shall, with reference to any land irrigated from ~~the same~~ *such* work, be deemed to be imposed jointly and severally, in the case of unalienated land, on the occupants of the land, and, in the case of ~~alienated~~ *all other* land, on the holders of the land, as defined in either case in the Bombay Land Revenue Code, 1879. ~~as amended by the Land Revenue (Amendment) Act, 1913.~~

Power to enforce rights and obligations.

"~~83~~ 86. If any person on whom any obligation is imposed with reference to any Second-class Irrigation Work by any ~~record of rights framed under section 76~~ *of the provisions of this Part*, fails to fulfil the obligation so imposed, or if any person infringes any right ~~so recorded~~ *recorded in the Record-of-rights prepared or revised as herein before provided*, the canal-officer may require him by notice to fulfil such obligation or to desist from infringing such right within a period to be prescribed in the notice of not less than ~~15~~ *fifteen* days and in the event of failure may take such steps as may be necessary for the discharge of the said obligation, or the enforcement of the said right, and the amount of any expense so incurred shall be a sum due to Government and recoverable as an arrear of land revenue.

Duty of Patel to report failure to effect repairs.

"~~84~~ 87. It shall be the duty of the Patel of any village within the limits of which any Second-class Irrigation Work or portion of such work is situated to report to the Mámlatdár without unnecessary delay any failure or neglect to carry out *any of* the repairs specified in section ~~81~~ 84.

Public servant and some other persons protected from legal proceedings.

"88. *No suit, prosecution or other legal proceeding shall be maintained against any public servant or person appointed under this Part in respect of anything in good faith done or purporting to be done under the provision thereof or the rules made thereunder.*

Power to make rules.

"~~85~~ 89. The Governor in Council may from time to time by notification in the *Bombay Government Gazette* and after previous publication, make rules as to all or any of the following matters:—

(*i*) the manner of framing and revising the Record-of-rights,

(*ii*) the proceedings of any officer who under the provisions of this ~~Act~~ *Part* is required to take action in any matter,

(*iii*) and generally to carry out the provisions of this ~~Act~~ *Part.*"

THE MYSORE IRRIGATION BILL.

As amended by the Select Committee.

BILL AS AMENDED BY THE SELECT COMMITTEE.

N. B.—Portions omitted by the Select Committee are enclosed in square brackets and portions added are printed in italics.

The Mysore Irrigation Bill.

Whereas it is expedient to make adequate provision for the proper regulation and control of water *for irrigation*, for the levy of contributions, for the regulation of customary labour and for the punishment of Irrigation Offences [and such other matters pertaining to irrigation as are not adequately provided for in the existing Regulations and Rules having the force of law]; It is hereby enacted as follows :— Preamble.

CHAPTER

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation, 19 Short Title.

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof to any local area or to any class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of works from the operation of the Regulation, from such date as may be specified therein; Extent and commencement.

[Provided that] All existing Regulations, Rules, Orders or usages having the force of law, in so far as they are inconsistent with any of the provisions of this Regulation and the Rules made thereunder in the areas and with respect to the classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent;

[And] Provided [further] that nothing herein contained shall be deemed to affect any acts done or liabilities

ncurred under the said Regulations, Rules, Orders or usage having the force of law.

3 In this Regulation, unless there is anything pugnant in the subject or context :—

(1) "Irrigation work" includes—

(*a*) all reservoirs, tanks, canals, channels, *thal pariges* and pipes constructed, maintained or controll wholly or mainly by the Government for the supply storage of water [for purposes of irrigation];

(*b*) all works, embankments, structures, supply a escape channels, connected with such reservoirs, tanl canals, channels, thalapariges or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, thalapariges, tanks, pipes or reservoirs ;

(*c*) all water courses and drainage works as hereinafter defined ;

(*d*) all lands occupied by the Government for the purposes of such canals, channels, thalapariges, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government upon such lands ;

(2) "New Irrigation Work" means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force *and includes extensions of irrigation works made after this Regulation comes into force* :

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and *includes* all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe

(4) "Drainage work" [means] *includes* channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation :

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant

Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation :

(7) " Owner " includes every person having a [joint] interest in the ownership of the thing specified.

(8) [" Labourer " means any person accustomed to manual labour :]

" *Occupier* " *means, in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour and includes a tenant.*

(9) " Magistrate " means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation.

4. The Government or, subject to such rules as may be made under this Regulation, any officer whom the Government empowers in this behalf, may declare by notification in the *Official Gazette*, the officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed, shall be exercised or performed.

CHAPTER II.

Of the Control of Water and of Irrigation Works.

Powers to enter upon land for purposes of inspection, etc.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation [or drainage] work.

Powers for repairing or preventing damage to an irrigation [or drainage] work.

6. On any damage happening or being apprehended to any irrigation [or drainage] work or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation [or any drainage] work, and may repair any existing work, construct any new work, or take and utilise any material, and take any measure or do anything that may, in his opinion, be necessary to prevent

such accident or to save loss or damage to any property or to repair any damage done.

Notice of intended entry on private property to be given in certain cases.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which [the] water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow. *Such notice shall be in writing except in a case of emergency*

CHAPTER III.

Of Water Courses.

Construction, extension, improvement or alteration of a water course on the application of person interested.

8. (1) [Any person desiring the construction, extension, improvement, or alteration of a water course may apply in wirting to the Irrigation Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case, or may reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.]

Any person desiring the construction, extension, improvement, or alteration of a water-course may apply in wirting to the Irrigation Officer, appointed in this behalf, and the said officer may, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of

completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District and as against his decision, a second appeal shall lie within ninety days from the date of the service of such appellate order to the Revenue Commissioner whose decision thereon shall be final.

(2) If it is necessary to acquire any land for the porposes of sub-section (1) of this section, the Deputy Commissioner of the District may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

Explanation :—For the purposes of this sub-section, the construction, extension, improvement or alteration of a water course, though executed solely at the expense of a private person, shall be deemed to be a pulbic purpose under sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894.

9. No water course constructed, extended or improved under the provisions of section 8 may be altered without the consent of the Irrigation Officer.

10. (1) Every owner or occupier of land which receives a supply of water from a water course shall be bound :—

(*a*) to maintain such water course in a fit state of repair ; and

(*b*) to allow the use of it to any person entitled to the same by reason of an order passed under section 8 *or otherwise.*

(2) *Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water-course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share any person interested in the matter of such dispute may apply, in writing to an Irrigation Officer duly empowered to receive such applications, stating the matter in dispute.*

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, *of the Mysore Land*

Revenue Code after giving notice to the persons interested and pass his order thereon.

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by section 10, any Irrigation Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

(2) The expenses incurred by the Irrigation Officer on any work of repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

prescribed by rules framed by the Government. *Provided that the rates leviable for the supply of water for irrigation from new irrigation works constructed at an outlay of less than one lakh of rupees and not falling under Chapter VI of this Regulation shall be fixed in conformity with the provisions of the Mysore Land Revenue Code and the Rules thereunder.*

If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(*a*) whenever and so long as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority ; or

(ii) in order to supply in rotation the legitimate demand of other persons entitled to water ;

(*b*) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom ; [and]

(*c*) *whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water, and*

(*d*) within the periods fixed from time to time by an Irrigation Officer acting under section 15, of which reasonable notice shall be given.

Power of Irrigation Officer to determine the irrigable area and grant remission of assessment.

15. [An Irrigation Officer may, in any year having regard to the quantity of water available in any irrigation work under his control, determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work to be cultivated with irrigated crops and regulate the supply of water accordingly ; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding the remission of assessment as may be made by the Government and are for the time being in force.

An appeal shall lie from the order of the Irrigation Officer under this section, within thirty days from the

date of the order, to the Deputy Commissioner, whos decision shall be final.]

(1) "*An Irrigation Officer specially empowered by th Government, in this behalf, may, in any year, having regar to the quantity of water available in any irrigation work unde his control determine the portion of the wet lands in the irr gable area of such irrigation work to be cultivated with w crops, or with dry or semi-dry crops, and regulate the suppl of water for irrigation accordingly.*

(2) *If, in accordance with a decision of the Irrigatio Officer under sub-section* (1), *any land assessed as wet is nc supplied with water for raising wet crops, the holder of suc land shall be entitled to remission of one-half of the assess ment of such land.*

Against the order of the Irrigation Officer under this section, an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District, and against his decision, a second appeal shall lie within ninety days from the date of the service of such appellate order, to the Revenue Commissioner whose decision shall be final."

(1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

(2) No person entitled to the use of *any irrigation work* or land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the

(a) *deterioration of climate or soil*

(b) *stoppage of navigation or of the means of floating timber or of watering cattle; or*

(c) *the stoppage or diminution of the supply of water of any river or stream flowing in a natural channel or of any lake or natural collection of still water by the application of such supply for the purposes of a new irrigation work or otherwise except in so far as a right to the use of such supply may be established; or*

(d) *failure or stoppage of the water in a channel, when such failure or stoppage is due to,*

(1) *any cause beyond the control of Government,*

(2) *the execution of any repairs, alterations or additions to the channel, or*

(3) *any measures considered necessary by any Irrigation officer duly empowered in this behalf for regulating the proper flow of water in the channel, or for maintaining the established course of irrigation:*

but any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes named in clause (d) *of this section shall be entitled to such remission of the water-rate payable by him as may be authorised by the Government.*

Remission of water-rates when allowable.

18. *No claim for compensation for any damage shall be entertained after the expiration of one year from the time when the damage complained of commenced, unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.*

Limitation of claims.

19. *In every case of entry upon any land or building under sections* 5 *and* 6, *the Irrigation Officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work to any crop, tree, building or other property,*

and within one month from the date of such entry compensation shall be tendered by an Irrigation Officer duly empowered in this behalf to the landholder or owner of the property damaged.

Compensation for damage caused by entry on land, etc.

20. *If such tender is not accepted, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of making enquiry as to the amount of compensation and deciding the same.*

21. *All claims for compensation under this Regulation other than claims of the nature provided for in section* 19, *shall be made before the Deputy Commissioner of the district in which such claim arises.*

Claims to be preferred to the Deputy Commissioner

Claims for compensation to be preferred to Deputy Commissioner.

22. *Subject to the provisions of section 21, all claims for compensation shall be made to the Deputy Commissioner having jurisdiction over the local area wherein the land or part thereof in respect of which damage is alleged to have been caused is situate.*

Deputy Commissioner to determine the amount of compensation.

The Deputy Commissioner shall enquire into all claims unaer the preceding section and determine the amount of compensation, if any, which should be awarded.

Reference to Civil Courts in certain cases.

23. *An appeal shall lie to the Revenue Commissioner from the decision of the Deputy Commissioner under either of the three preceding sections as to the amount of compensation to be awarded within three months from the date of such decision and the decision of the Revenue Commissioner thereon shall be final.*

Compensation when due.

24. *All sums of money payable for compensation awarded under this chapter shall become due three months after the final award has been made;*

and, simple interest at the rate of six percent per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

CHAPTER

OF THE CONSTRUCTION AND [MAINTENANCE] IMPROVEMENT OF IRRIGATION WORKS ON SPECIAL TERMS

Preliminary enquiry to be held when the levy of acreage contribution of water-rate or both is necessary for undertaking construction or improvement of an Irrigation

25. [17] [Whenever it appears to the Government that the construction or imporvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution of water-rate or both, in accordance with such rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided]

Whenever it appears to the Government that the construction or improvement of an Irrigation Work in any local area cannot be undertaken unless, on the lands irrigable by such work, payment of a specified acreage contribution or water rate or both, is guaranteed, the Government shall direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

The Government may by notification in the Official Gazette declare that the provisions of this section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.

Explanation.—Improvement in this Chapter, means only such improvement of an irrigation work as will enhance the supply of water available therein for irrigation.

Procedure in holding the enquiry.

26. [18.] The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifiying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution of water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Report of the enquiring officer.

27. [19] If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government may abandon or proceed with the scheme.

28. [20] Upon receipt of the report submitted under section [19,] 27 the Government may, after such further enquiry, if any, mas it ay make, either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections [18] 26 and [19] 27 shall apply to the altered scheme.

Publication of the scheme as finally approved by the Government.

29. [21] (1) The scheme as finally approved by the Government shall be published in the *Official Gazette* and it shall embody the following particulars :–

(*a*) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(*b*) the estimated time required for the completio of the work ;

(*c*) a description of the benefited area ;

(*d*) the rates at which contribution will be recovere in respect of the lands in the benefited area ;

(*e*) the rates at which water-rate will be impose on the lands in the benefited area, and

(*f*) the fact that the consent of the holders of suc land has been obtained as provided in this chapter.

(2) The contribution referred to in clause (*d*) o sub-section (1) shall in no case exceed [one-half] *one-thir* of the difference between the value of the wet and dry land in the locality.

3) [The water-rate referred to in clause (*e*) of sub section (1) shall be liable to periodical revision at intervals of not less than ten years.]

The water-rate referred to in clause (e) *of sub-section* (1) *shall be liable to revision after the expiry of a period of ten years and thereafter at intervals of not less than fifteen years.*

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

30. [22.] After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888; contribution or water-rate or both at the rates referred to in section [21] 29. *Such contribution or water-rate shall be recoverable as a revenue demand.*

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate

shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1884.

CHAPTER [VI.] VII.

OF OBTAINING LABOUR [AND MATERIALS] IN EMERGENCIES.

Impressment of labour materials urgently required for repairs

31. [23.] (*i*) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the Taluk, that unless some work or repair is immediately executed any irrigation [or drainage] work would sustain such serious damage as to cause sudden and extensive public injury,

or, that unless some clearance of an irrigation [or drainage] work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the oridnary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the [labourers] *able-bodied male persons* who reside or hold land in or near the locality where such work, repair or clearance has to be exceuted to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

[(*ii*) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.]

[(*iii*) (*ii*) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Payment for [materials taken.]labour impressed.

32. [24.] All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 31 [23] [or whose materials may be taken under that section] shall, as soon as may be reasonably practicable and in any case within fifteen days from the

date of such impressment, be paid by the Irrigation Officer or the Amildar as the case may be, for their labour and detention [or for such materials] at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

33. [25] [Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage subject, to such rules as may be framed in this behalf by the Government.]

An order made under section 31 shall be immediately reported to the Deputy Commissioner.

34. [26.] Against an order under section 32 [24] [or section 25], an appeal shall lie within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER [VII.] VII

Of Customary Labour

35. [27.] [The provisions of this chapter shall appl to the following irrigation and drainage works :—

(*a*) All river and spring channels ;
(*b*) All tanks ;
(*c*) All feeder channels connected with tanks].

The provisions of this Chapter shall apply to tank river and spring channels, and other irrigation works whi have been brought upto standard and handed over to the raiya for upkeep.

36. [28]. (*i*) Every occupier of land, irrigated c drained by any irrigation [or drainage] work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour :—

(*a*) Filling up gullies, cracks, ruts and holes in the

(*c*) Clearing such underwood as may be considered by the Irrigation Officer to be injurious ;

(*d*) Clearing sand or silt from sluices and branch channels and repairing the earthwork of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields ;

(*e*) Maintaining the bund to the standard level and with the slopes specified ;

(*f*) Keeping in order the feeder channels of tanks ;

(*g*) Watching the bunds [of all tanks] during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(*ii*) The Government may by an order direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at [a flat rate per acre of holding] *such rates as may be fixed under rules made in this behalf* be levied on the persons bound to perform the same ; *provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour.* Such order may at any time be cancelled or modified by the Government.

Village Patel responsible for due performance of customary labour.

37. [29.] It shall be the duty of the Patel of every village to see that in respect of any irrigation [or drainge] work situated in the village or villages in his charge the customary labour specified in section [28] 36 is duly performed and the work maintained in an efficient condition.

Execution of work with hired labour on failure of customary labour.

38. [30.] If [during the execution of any work] any person who is bound to contribute labour towards [such work,] *any work under this chapter*, neglects or refuses to do so, the Patel, or [upon the report of the Patel the Irrigation Officer], *or other Officer empowered by Government in this behalf*, may get the work performed by hired labour, after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land ~~so irrigated or drained~~ is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

served by such irrigation work

is situate

Determination of quantum of labour to be contributed.

39. [31.] The quantum of labour which each person liable under section [28] 36 is bound to contribute, and the proportionate share of labour for each village where an irrigation [or drainage] work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for failure to perform customary labour.

40. [32.] Whenever any person who is bound to contribute labour under section [28] 36 neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person [a sum not exceeding twice] the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

From

Against the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date *of service* of the order to the Deputy Commissioner, whose decision shall be final.

CHAPTER IX.

Of Irrigation Panchayets and Boards.

Constitution of an Irrigation Panchayet.

41. *Subject to such general or special rules as th ernment may make in this behalf, the Deputy Commissione may, when he is satisfied that a demand exists, constitut an Irrigation Pacnhayet for a village.*

Such Panchayet shall consist of the Patel and the Shanbho of the village who shall be ex-officio *members and of not les than five and not more than seven other members who sha be elected in accordance with rules made under this Regulatior by and from among occupiers of land who are interested b reason of such occupation in the proper maintenance of suc work.*

The elected members shall hold office for a period of thre years, but shall be eligible for re-election. Provided that a elected member shall be deemed to have vacated his office if h ceases to possess the aforesaid qualification, or if he absen himself without reasonable or sufficient cause from three con secutive meetings.

Constitution of an Irrigation Board.

42. *Subject to such general or special rules as the Go ernment may make in this behalf the Deputy Commissione may constitute an Irrigation Board consisting of two or mo Panchayets or delegates therefrom in respect of an irrigatio work irrigating more than one village.*

The appointment of delegates to Irrigation Boards sha be made in accordance with rules framed under this Regulatio

and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

43. *The provisions of the following sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.*

44. *The Government may by rules to be framed in this behalf*

(a) *prescribe the functions of an irrigation panchayet;*

(b) *prescribe the procedure to be adopted by an Irrigation Panchayet; and*

(c) *delegate to any Irrigation Panchayet any of the powers vested in the Government or in a Deputy Commissioner or in an Irrigation Officer under this Regulation.*

45. *If in the opinion of the Deputy Commissioner any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.*

46. *An appeal shall lie to the Revenue Commissioner against the order of the Deputy Commissioner under this section and the order on such appeal shall be final.*

CHAPTER [VIII.] X.

Penalities and Procedure.

47. [33.] [(*i*)] Whoever voluntarily and without proper authority.

(*i*) damages, alters, enlarges or obstructs any irrigation [or drainage] work;

(*ii*) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through over or under any irrigation [or drainage] work or does any act which renders such irrigation [or drainage] work less useful than is intended for the purpose for which it was constructed;

(*iii*) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(*iv*) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which is ordinarily used

(*v*) destroys, defaces or moves any land or level mark of water gauge fixed by the authority of a public servant ;

(*vi*) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work ;

(*vii*) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section [44] 57 *after he has been desired to desist therefrom* ;

(*viii*) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation [or drainage] work ;

(*ix*) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation [or drainage] work ;

(*x*) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government

(*xi*) violates any rule made under section [43] 57, the breach whereof is declared to be an offence punishable under this section ;

and whoever

(*xii*) being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8 ;

[Shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.]

shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence as is mentioned in sub-sections (i) *to* (vi), x *and* xii *of this section with fine which may extend to one hundred rupees, and for each such offence as is mentioned in sub-sections* vii, viii, ix *and* xi *with fine which may extend to fifty rupees.*

48. [34] Any labourer who, being duly called upon by the Patel of his village to assist by his labour in the execution of any work under section [23] 31, refuses or neglects to comply with such call without *sufficient and reasonable cause* [lawful excuse], shall on conviction before a

Magistrate be punished with fine which may extend to [one hundred] *fifty* rupees [or with simple imprisonment which may extend to one month or with both.]

[35.] [All offences under this Regulation are triable summarily in the manner provided in Chapter XXII of the Criminal Procedure Code.]

Persons convicted under section [33]47 [or of the offence of mischief in relation to an irrigation or drainage work] liable to repair the damage, etc.

49. [36.] When any person is convicted of an offence under section ~~33~~ [or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work], the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

[37.] [When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.]

50. [37.] *When the person causing any damage, alteration, enlargement or obstruction to any Irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may on the recommendation of the Irrigation Board or the Irrigation Panchayet concerned with the work, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.*

Punishment under other laws not barred

51. [38] Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation.

Provided that no person shall be punished twice for the same [offence] *act or omission.*

52. [39.] [Any person in charge of or employed upon any irrigation work, may remove from the lands or buildings belonging thereto any person who within his view—

(i) wilfully damages, obstructs or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from an irrigation work as to endanger, damage, or render less useful any irrigation work

and may if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits in which such damage, obstruction or interference has been caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegations to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

Any person in charge of or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law, any person who within his view

the purpose of satisfying itself or himself as to the *correctness, legality or* propriety of any decision or order passed and the regularity of the proceedings of such officer.

If in any case it shall appear that any decision or order or proceedings [of a Deputy Commissioner] *so called for* should be modified, annulled or reversed, the Government or the Revenue Commissioner *in cases in which such order or decision is not declared by this Regulation to be final* may pass such order thereon as it or he deems fit.

54. [41.] Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure 1911, and every such enquiry shall be deemed a judicial proceeding.

55. [42.] [Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.]

Service of any notice under this Regulation shall be made in accordance with the provisions of the Code of Civil Procedure.

Jurisdiction of Civil Courts barred.

56. [43.] No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter VI, Chapter VII or Chapter VIII.

Power to make rules.

57. [44.] (i) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of the Regulation.

(ii) Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely:—

(*a*) the proceedings of any officer who under any provision of this Regulation, is required or empowered to

(*b*) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable ;

(*c*) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done

(*d*) the amount of any charge to be made under this Regulation ;

matters falling under sections 8 and 12.

The rules made under this section shall published in the *Official Gazette* and shall thereupon h